

# Potlatch Zoning and Development Ordinance 426

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# Chapter 1

## INTRODUCTORY PROVISIONS

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Section 1-4	Establishment of zoning districts
Section 1-5	Adoption of zoning map
Section 1-6	Scope
Section 1-7	Related City of Potlatch Ordinance, Policies, or Standards
Section 1-8	General Provisions of Ordinance

WHEREAS, the Planning and Zoning Commission of the City of Potlatch has reviewed this Ordinance, conducted a public hearing on June 13, 2002, and has recommended passage of this Ordinance to the City Council, and

WHEREAS, the Potlatch City Council has reviewed this Ordinance, held a public hearing on July 8, 2002, and believes passage of this Ordinance is in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF POTLATCH, IDAHO, AS FOLLOWS:

### SECTION 1-1 TITLE

AN ORDINANCE PROVIDING LAND USE AND DEVELOPMENT REGULATIONS FOR THE CITY OF POTLATCH, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR ZONING AND SETBACKS, CONSTRUCTION OF STREETS, SIDEWALKS, WATER AND SEWER LINES, AND STORM DRAINAGE SYSTEMS; PROVIDING STANDARDS; PROVIDING THAT PERSONS DEVELOPING PROPERTY SHALL BE RESPONSIBLE FOR EXTENDING FACILITIES TO THE PROPERTY, SETTING THE AUTHORITY, PURPOSE, SCOPE, AND DEFINITIONS OF TERMS; SETTING STANDARDS AND REVIEW PROCEDURES FOR VARIOUS LAND USES, PROVIDING FOR VARIANCES; PROVIDING FOR NON-CONFORMING USES; PROVIDING FOR APPEALS, AMENDMENTS, SEVERABILITY, ENFORCEMENT AND PENALTIES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

The text of this document together with appropriate maps and appendices shall be known as the Potlatch Zoning and Development Ordinance, herein referred to as the Ordinance. The Passage of this Ordinance repeals Potlatch Ordinances 36, 411, and 425.

### SECTION 1-2 AUTHORITY

This Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified. The standards and policies of this Ordinance have been adopted

in accordance with the Comprehensive plan adopted by Resolution of the City Council.

### **SECTION 1-3 PURPOSE**

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the City of Potlatch. It is designed to:

- A. protect both property rights and property values and minimize the conflicts among the uses of land and buildings;
- B. assure adequate on-site and off-site public facilities or services;
- C. establish reasonable standards for development which promote the orderly and beneficial development of all parts of the City of Potlatch;
- D. prevent the pollution of air, soil, streams, rivers and ponds and safeguard the ground water and encourage the wise use and management of natural resources throughout the City of Potlatch in order to preserve the integrity, stability and beauty of the City and the value of the land;
- E. preserve the natural beauty and topography of the city and insure appropriate development with regard to these natural features while maintaining the atmosphere of the city;
- F. encourage well-planned development, and assure equitable handling of all proposals by providing uniform procedures and standards.

### **SECTION 1-4 ESTABLISHMENT OF ZONING DISTRICTS**

Pursuant to the policies contained in this Ordinance and the Potlatch Comprehensive Plan, the City of Potlatch is divided into zoning districts as depicted upon the Potlatch Zoning Map, which is hereby adopted and made a part of this Ordinance, as though fully set out herein. Zones depicted on the Potlatch Zoning Map shall correspond to the zones established by this Ordinance.

### **SECTION 1-5 ADOPTION OF ZONING MAP**

The zones established in Chapter 2 of this ordinance are shown on the Potlatch Zoning Map, which is hereby adopted. The original of the Potlatch Zoning Map, signed by the Mayor, attested by the City Clerk, and kept in the office of the Planning and Zoning Commission, shall serve as the true record of zoning district boundaries. Provisions shall be made on the map for notation of changes to zoning district boundaries. Change notations will be initialed by the City Clerk upon the original zoning map.

**SECTION 1-6 SCOPE**

- A. Regulations of this Ordinance shall apply to all real property, buildings, structures or fixtures attached thereto in the City of Potlatch except as may be altered under Idaho Code Sections 67-6525 (annexation) and 67-6526 (area of impact). The United States of America, the State of Idaho, City of Potlatch and all their respective agencies, boards, departments, institutions, and local special purpose districts, shall comply with this Ordinance unless otherwise accepted by law.
- B. Whenever a provision of this Ordinance or any provision of any City, State, Federal, or County regulation, resolution, law, rule, or contract contains restrictions covering the same subject matter, the more restrictive requirement or higher standard shall govern when authorized by law.

**SECTION 1-7 RELATED CITY OF POTLATCH ORDINANCES, POLICIES, OR STANDARDS**

The Comprehensive Plan of the City of Potlatch shall be hereby adopted as the policy guide for the application of the provisions of this Ordinance. A copy of this plan, as it now exists and may be subsequently amended, shall be retained by the Planning and Zoning Commission hereinafter, available for public inspection during regular business hours.

Related documents containing land use policies, standards, or regulations which, together with the Ordinance, shall apply in the city.

**SECTION 1-8 GENERAL PROVISIONS OF ORDINANCE**

- A. Lawful Non-Conformance - The lawful non-conforming use of buildings, structures and land use that was in place at the time of passage of this Zoning Ordinance may be continued to the same extent and character as that which existed at that time. However, any non-conforming use which has not been exercised for a period of six months shall terminate unless such termination is prohibited by law.
- B. Sewage Disposal and Water Systems - All domestic sewage disposal facilities must be approved and installed and operating before a building shall be occupied. No building shall be occupied as a residence or commercial, civic, industrial establishment unless and until an approved and permitted supply of water and sewage disposal system is installed and operating on the premises. Property owners shall connect to City water and/or sewer systems if available within 300 feet.
- C. Lots Below Minimum Space Requirements - After the effective date of this Ordinance, no parcel of land may be created which has less than the minimum width and area requirements.

## Chapter 2

### ZONING DISTRICTS

Section 2-1	Purpose
Section 2-2	Permitted and Conditional Uses
Section 2-3	Agriculture/Forestry AF Zone
Section 2-4	Residential R-1 Zone
Section 2-5	Residential R-2 Zone
Section 2-6	Central Business District C-1 Zone
Section 2-7	Motor Business C-2 Zone
Section 2-8	Industrial I-1 Zone
Section 2-9	Minimum Standards
Section 2-10	Project Application Information
Table 2-A	Permitted Principal Uses and Conditional Uses
Table 2-B	Minimum Standards

### SECTION 2-1 PURPOSE

The purpose of this chapter is to establish zoning districts in order to classify, regulate, restrict, and segregate the uses of lands and buildings, and to provide procedures and standards for those uses which by their nature are compatible with existing land uses in the City of Potlatch. The following base zoning districts are hereby established.

### RESIDENTIAL ZONES

- AF Agriculture/Forestry
- R-1 Single Family Residential
- R-2 Multi Family Residential

### COMMERCIAL ZONES

- C-1 Central Business District
- C-2 Motor Business

### INDUSTRIAL

- I-1 Industrial

Every lot or parcel of land, or portion thereof, within the incorporated City of Potlatch shall be classified in only one of the base zoning districts established in this section.

The regulations for each district set forth by this ordinance shall be minimum regulations and shall apply uniformly to each type of land use, except as hereinafter provided:



- A. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified in this chapter for the zone in which it is located.
- B. No building or other structure shall be erected or altered:
  - a. To provide for greater height or bulk.
  - b. To accommodate or house a greater number of families.
  - c. To occupy a greater percentage of lot area.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces, than required in this ordinance, or in any other manner be contrary to the provisions of this title.
- C. No yard or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth in this chapter. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth in this chapter.

**SECTION 2-2 PERMITTED AND CONDITIONAL USES.**

Within the established zones in the City of Potlatch, all land uses are termed either permitted, conditional, or not allowed.

A permitted land use is one that may be established in compliance with this Ordinance and related laws by evidencing compliance with applicable requirements and paying required permit fees. A permitted use may be conducted when compliance with this Ordinance and related laws is demonstrated and maintained.

A conditional use permit is required when a land use may possess characteristics that require review and appraisal by the Planning and Zoning Commission to determine whether or not the use would cause any damage, hazard, or nuisance to persons, property, or natural resources in the vicinity. A conditional use permit shall be subject to the terms and conditions by which it is approved.

A not allowed use is one that has been appraised by the Planning and Zoning Commission and it has been determined that such use would cause damage, hazard, or nuisance to persons, property, or natural resources in the vicinity.

A listing of permitted and conditional uses is found in Table 2-A. Check this table to see whether the principal use you propose for your project is considered allowed or conditional. If the land use you propose is not listed in Table 1-A, a determination as to the appropriate

classification of a new or unlisted form of land use shall be made according to procedures found in Chapter 11, Amendments.

Municipal facilities, including, but not limited to, water and sewer facilities, are permitted uses in all zones.

An **application fee** will be charged for all administrative and other costs incurred directly or indirectly by the City of Potlatch in processing applications.

### **SECTION 2-3 AGRICULTURE/FORESTRY (AF) DISTRICT**

- A. **PURPOSE AND APPLICATION.** The AF Agriculture/Forestry district is intended as a transition zone from rural to suburban/city housing.
- B. **PERMITTED USES.** These are summarized in Table 2-A.
- C. **USES PERMITTED BY CONDITIONAL USE PERMIT.** These uses are summarized in Table 2-A. These uses and all others determined to be similar pursuant to Chapter 3 (Conditional Use Permits) are permitted with a Conditional Use Permit in accordance with the standards and procedures in Chapter 3 and Chapter 10 (Administration).
- D. **PROHIBITED USES.** All other uses not shown as being permitted or permitted by Conditional Use Permit in Table 2-A are prohibited.
- E. **MINIMUM STANDARDS.** Minimum standards regarding lot size, lot width and depth, set back requirements, maximum building heights, maximum lot coverage, minimum dwelling sizes, fences, walls, hedges, and off-street parking requirements are summarized in Table 2-B.
- F. **SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS**

Pens, coops, hutches, stables, barns and other agricultural/shop building shall be at least seventy five (75) feet away from any property line adjacent to public rights-of-way, twenty five (25) feet from side or rear property lines, and at least fifty (50) feet from any other zoning district boundary.

No more than one principal dwelling unit per lot unless permitted through the Conditional Use Permit procedures in Chapter 3.

Storm water runoff shall be managed in such a way as to prevent damage on both the lot in question and adjacent and downstream properties.

Agricultural and animal husbandry operations shall be conducted in such a manner that health and environmental requirements are satisfied and the operations neither endanger neighboring properties nor constitute a nuisance. Animal waste shall be managed to prevent excessive odor and insect problems from becoming a nuisance to adjacent properties.

Wastewater treatment shall be provided either by septic field or City sewer. On property wastewater lagoons are not permitted.

Weeds shall be controlled at all times and firebreaks shall be maintained.

G. **SIGNS.** The following signs are permitted in accordance with Chapter 8 of this ordinance.

1. Temporary subdivision signs.
2. Temporary construction signs.
3. Temporary political, religious, and civic campaign signs.
4. Permanent subdivision signs, monument type.
5. Signs approved in conjunction with a Conditional Use Permit.
6. Home Occupation Signs.

H. **LIGHTING.** Outdoor lighting shall be installed in such a manner that no direct light or glare leaves the property. Full cutoff light fixtures are required.

I. **ACCESSORY DWELLING UNITS.**

Accessory Dwelling Units (see Chapter 14, Definitions, for the definition) are permitted with a Conditional Use Permit subject to the following restrictions.

1. The applicant must demonstrate that an actual hardship exists regarding care for the individual(s) who will use the Accessory Dwelling Unit.
2. Use of an Accessory Dwelling Unit is restricted to immediate family members.
3. Only one accessory dwelling unit per lot.
4. The primary residence shall be owner occupied.
5. One additional off-street parking space is provided.
6. The accessory dwelling unit shall be no larger than 40% of the living area of the primary residence.
7. An accessory dwelling unit shall have electricity, kitchen facilities, and sanitary facilities with sewer available.
8. An existing accessory building that is proposed to be converted to an accessory living unit shall meet the requirements of the current Building Code for a residential occupancy.
9. Separate utility meters or accounts are not permitted for accessory dwelling units.
10. Accessory dwelling units will not be used for profit.
11. The Conditional Use Permit is automatically revoked when the individual(s) for whose care the Accessory Dwelling Unit was constructed or converted no longer occupy the Accessory Dwelling Unit.

## **SECTION 2-4 SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT**

- A. **PURPOSE AND APPLICATION.** The R-1 single family residential district is intended for one (1) single family home on one (1) lot of minimum size or larger and to permit other uses that are associated and compatible with residential use. The district prohibits commercial, manufacturing, and industrial land uses. Density not to exceed six (6) dwelling units per acre.
- B. **PERMITTED USES.** The permitted of the Single Family Residential (R-1) Zone are summarized in Table 2-A.
- C. **USES PERMITTED BY CONDITIONAL USE PERMIT.** These uses are summarized in Table 2-A. These uses and all others determined to be similar pursuant to Chapter 3 (Conditional Use Permits) are permitted with a Conditional Use Permit in accordance with the standards and procedures in Chapter 3 and Chapter 10 (Administration).
- D. **PROHIBITED USES.** All other uses not shown as being permitted or permitted by Conditional Use Permit in Table 2-A are prohibited.
- E. **MINIMUM STANDARDS.** Minimum standards regarding lot size, lot width and depth, set back requirements, maximum building heights, maximum lot coverage, minimum dwelling sizes, fences, walls, hedges, and off-street parking requirements are summarized in Table 2-B.
- F. **SIGNS.** The following signs are permitted in accordance with Chapter 8 of this ordinance.
1. Temporary subdivision signs.
  2. Temporary construction signs.
  3. Temporary political, religious, and civic campaign signs.
  4. Permanent subdivision signs, monument type.
  5. Signs approved in conjunction with a Conditional Use Permit.
  6. Home Occupation Signs.
- G. **LIGHTING.** Outdoor lighting shall be installed in such a manner that no direct light or glare leaves the property. Full cutoff light fixtures are required.
- H. **ACCESSORY DWELLING UNITS.**

Accessory Dwelling Units (see Chapter 14, Definitions, for the definition) are permitted with a Conditional Use Permit subject to the following restrictions.

1. The applicant must demonstrate that an actual hardship exists regarding care for the individual(s) who will use the Accessory Dwelling Unit.
2. Use of an Accessory Dwelling Unit is restricted to immediate family members.
3. Only one accessory dwelling unit per lot.
4. One additional off-street parking space is provided.

5. The accessory dwelling unit shall be no larger than 40% of the living area of the primary residence.
6. An accessory dwelling unit shall have electricity, kitchen facilities, and sanitary facilities.
7. An existing accessory building that is proposed to be converted to an accessory living unit shall meet the requirements of the current Building Code for a residential occupancy.
8. Separate utility meters or accounts are not permitted for accessory dwelling units.
9. Accessory dwelling units will not be used for profit.
10. The Conditional Use Permit is automatically revoked when the individual(s) for whose care the Accessory Dwelling Unit was constructed or converted no longer occupy the Accessory Dwelling Unit.

## **SECTION 2-5 MULTI-FAMILY RESIDENTIAL R-2 ZONE.**

- A. **PURPOSE AND APPLICATION.** The R-2, multi-family residential district is intended for structures containing one or more dwelling units at a density not to exceed twelve (12) units per acre, and to permit other uses that are associated and compatible with residential use. The district prohibits commercial, manufacturing, and industrial land uses.
- B. **PERMITTED USES.** The permitted of the Multi-Family Residential (R-2) Zone are summarized in Table 2-A
- C. **USES PERMITTED BY CONDITIONAL USE PERMIT.** These uses are summarized in Table 2-A. These uses and all others determined to be similar pursuant to Chapter 3 (Conditional Use Permits) are permitted with a Conditional Use Permit in accordance with the standards and procedures in Chapter 3 and Chapter 10 (Administration).
- D. **PROHIBITED USES.** All other uses not shown as being permitted or permitted by Conditional Use Permit in Table 2-A are prohibited.
- E. **MINIMUM STANDARDS.** Minimum standards regarding lot size, lot width and depth, set back requirements, maximum building heights, maximum lot coverage, minimum dwelling sizes, fences, walls, hedges, and off-street parking requirements are summarized in Table 2-B.
- F. **SIGNS.** The following signs are permitted in accordance with Chapter 8 of this ordinance.
  1. Temporary subdivision signs.
  2. Temporary construction signs.
  3. Temporary political, religious, and civic campaign signs.
  4. Permanent subdivision signs, monument type.
  5. Signs approved in conjunction with a Conditional Use Permit.
  6. Home Occupation Signs.
- G. **LIGHTING.** Outdoor lighting shall be installed in such a manner that no direct light or glare leaves the property. Full cutoff light fixtures are required.

- H. **LANDSCAPING.** Landscaping shall be provided following the requirements outlined under Performance Standards in Chapter 5.
- I. **SPECIAL REVIEW PROCEDURES AND DEVELOPMENT STANDARDS.** All development in the R-2 zone shall comply with the standards in Chapter 5 (Performance Standards).

## **SECTION 2-6 CENTRAL BUSINESS DISTRICT, C-1 ZONE**

- A. **PURPOSE AND APPLICATION.** The C-1 Central Business District Zone is designed to provide a location for groups of compatible commercial uses have the common characteristic of involving no more than incidental and minimal assembly, fabrication, or storage of commodities; for example retail sales, or performance of services permitting a variety of retail, professional, or service businesses. No businesses involving the manufacture, processing, or fabrication of goods shall be permitted except that which is ancillary (no more than 35% of the floor area), to the primary use. The C-1 zone is the most intensive commercial zone. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this district.
- B. **PERMITTED USES.** The permitted of the Central Business District (C-1) Zone are summarized in Table 2-A
- C. **USES PERMITTED BY CONDITIONAL USE PERMIT.** These uses are summarized in Table 2-A. These uses and all others determined to be similar pursuant to Chapter 3 (Conditional Use Permits) are permitted with a Conditional Use Permit in accordance with the standards and procedures in Chapter 3 and Chapter 10 (Administration).
- D. **GENERAL COMMERCIAL AND BUSINESS ZONE MINIMUM STANDARDS AND PERFORMANCE STANDARDS.** All developments in the Commercial and Business zones shall comply with standards listed in Table 2-B and in Chapter 5 (Performance Standards).
- E. **PROHIBITED USES.** All other uses not shown as being permitted or permitted by Conditional Use Permit in Table 2-A are prohibited.
- F. **SITE PLAN REVIEW; SETBACKS, WIDTH AND DEPTH, HEIGHT, AND LOT COVERAGE.**

The City Council or a designated committee shall act as a site plan review committee. The goal of the site plan review committee is to ensure that commercial buildings are compatible with the character of the community and adjacent uses. All projects in this zone shall go through site plan review prior to the issuance of a building permit. The site plan review committee may request alternate location and design upon making findings that the proposed project is in conflict with the character of the community or adjacent uses.

The minimum requirements shown in Table 2-B shall be the minimum requirements for most Conditional Uses, however, the Site Plan Review Committee shall have the power to require expanded setbacks and may reduce setbacks where necessary.

**G. SIGNS AND LIGHTING.** The following signs are permitted in accordance with Chapter 8 of this ordinance.

1. Identification signs
2. Temporary subdivision signs.
3. Temporary political, religious, and civic campaign signs.
4. Permanent subdivision signs, monument type.
5. Signs approved in conjunction with a Conditional Use Permit.
6. Home Occupation Signs.

Signs may be lit with full cut off lighting that illuminates the sign from above. All exterior lighting shall follow the standards outlined in Chapter 5, Section 2, paragraph E and shall be equipped with full cutoff fixtures. No direct lighting shall cross the property line.

## **SECTION 2-7 MOTOR BUSINESS, C-2 ZONE**

**A. PURPOSE AND APPLICATION.** The C-2 Motor Business Zone is intended to create, preserve and enhance areas conveniently located to arterial road access for a wide range of commercial sales and services that are similar in that they depend primarily on transient vehicle-based trade. No businesses involving the manufacture, processing, or fabrication of goods shall be permitted except that which is ancillary (no more than 35% of the floor area), to the primary use, except by Conditional Use Permit.

**B. PERMITTED USES.** The permitted of the Motor Business (C-2) Zone are summarized in Table 2-A.

**C. USES PERMITTED BY CONDITIONAL USE PERMIT.** These uses are summarized in Table 2-A. These uses and all others determined to be similar pursuant to Chapter 3 (Conditional Use Permits) are permitted with a Conditional Use Permit in accordance with the standards and procedures in Chapter 3 and Chapter 10 (Administration).

**D. GENERAL COMMERCIAL AND BUSINESS ZONE MINIMUM STANDARDS AND PERFORMANCE STANDARDS.** All developments in the Commercial and Business zones shall comply with standards listed in Table 2-B and in Chapter 5 (Performance Standards).

**E. PROHIBITED USES.** All other uses not shown as being permitted or permitted by Conditional Use Permit in Table 2-A are prohibited.

**F. SITE PLAN REVIEW; SETBACKS, WIDTH AND DEPTH, HEIGHT, AND LOT COVERAGE.**

The City Council or a designated committee shall act as a site plan review committee. The goal of the site plan review committee is to ensure that commercial buildings are compatible with the character of the community and adjacent uses. All projects in this zone shall go through site plan review prior to the issuance of a building permit. The site plan review committee may request alternate location and design upon making findings that the proposed project is in conflict with the character of the community or adjacent uses.

The minimum requirements shown in Table 2-B shall be the minimum requirements for most Conditional Uses. However, the Site Plan Review Committee shall have the power to adjust these requirements, either expanding or reducing them, where necessary.

**G. SIGNS AND LIGHTING.** The following signs are permitted in accordance with Chapter 8 of this Ordinance.

1. Identification signs.
2. Temporary subdivision signs.
3. Temporary political, religious, and civic campaign signs.
4. Permanent subdivision signs, monument type.
5. Signs approved in conjunction with a Conditional Use Permit.
6. Home Occupation Signs.

Signs may be lit with lighting that illuminates the sign from above, with no light from the sign lighting falling on the sign surface. All exterior lighting shall follow the standards outlined in Chapter 5, Section 2, paragraph E, and shall be equipped with full cutoff fixtures. No direct lighting shall cross the property line.

## **SECTION 2-8 INDUSTRIAL, I-1 ZONE**

**A. PURPOSE.** The Industrial zone permits industrial uses such as light to medium industrial uses that do not adversely affect surrounding non-industrial land uses.

**B. PERMITTED USES.** The permitted of the Industrial (I-1) Zone are summarized in Table 2-A. These uses and all others determined to be similar are permitted subject to the standards and procedures set out in Chapter 5 (Performance Standards) of this ordinance.

**C. USES PERMITTED WITH A CONDITIONAL USE PERMIT.** These uses are summarized in Table 2-A. Commercial uses may also be permitted by a Conditional Use Permit if the property is located on an arterial or collector street. These uses and all others determined to be similar pursuant to Chapter 3 (Conditional Use Permits) are permitted with a Conditional Use Permit in accordance with the standards and procedures in Chapter 3 and Chapter 10 (Administration), and are further regulated by Chapter 5 (Performance Standards).



- D. **GENERAL INDUSTRIAL ZONE PERFORMANCE STANDARDS.** All development in the Industrial Zone shall comply with the standards listed in Table 2-B and in Chapter 5 (Performance Standards).
- E. **PROHIBITED USES.** All other uses not shown as being permitted or permitted by Conditional Use Permit in Table 2-A are prohibited.
- F. **SIGNS.** Signs are permitted in accordance with Chapter 8 (Signs). Signs may be lit with full cut off lighting that illuminates the sign from above.
- G. **LIGHTING.** All exterior lighting shall be equipped with full cutoff fixtures. No direct lighting shall cross the property line.
- H. **LANDSCAPING.** Landscaping shall be provided in accordance with the requirements of Chapter 5 (Performance Standards).

#### **SECTION 2-9 MINIMUM STANDARDS**

An approved allowed use shall meet the minimum bulk standards, such as, but not limited to, setback requirements, lot size, and building height. These are summarized in Table 2-B.

#### **SECTION 2-10 APPLICATION PROCEDURES**

Building permits for all structures are required and shall be obtained from the City of Potlatch, in the office of the City Clerk. The applicant shall demonstrate compliance with this Ordinance, the current Building Permit Ordinance and other standards, regulations and laws.

The applicant shall file an application with the City Clerk. The application procedure is covered in Chapter 10, Administration.

**TABLE 2-A ZONING DISTRICTS AND LAND USES**

**(Blank) = Not Allowed**

**P = Permitted Use**

**C = Conditional Use**

<b>LAND USE = AGRICULTURAL</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Accessory structure to allowed uses	P	P	P	P	P	P
Agriculture, general	P					
Greenhouses, Plant Nurseries	P	C	C			
Gardening (for home consumption)	P	P	P	P		P
Gardening, truck	P					P
Grazing, livestock husbandry	P					P
Mineral resources, natural (subject to state law provisions)	C					
Orchards, tree crops	P	P	P			
Tree farm	P					

<b>LAND USE = RESIDENTIAL</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Accessory building to allowed use	P	P	P	P	P	P
Bed and Breakfast	P	C	C			
Boarding and rooming houses	P		P			
Dwelling, caretaker	P	C	P			
Dwelling, duplex (two family)		C	P			
Dwelling, multiple family		C	P			
Dwelling, single family	P	P	P	C	C	
Group Care Home		C	C			
Home Occupation	C	C	C			
Home Occupation Day Care	C	C	C			
Manufactured Home	P	P	P			
Manufactured/Mobile Home Park	C	C	C			
Nursing home or rest home	C	C	C	C	C	
Planned Unit Development	C	C	C	C	C	C
Shelter or temporary home for care or lodging	C	C	C			

<b>LAND USE = CIVIC AND CULTURAL</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Aquarium				P	P	
Arboretum	P	P	P	P	P	
Art Gallery				P	P	
Auditorium				P	P	
Botanical Garden	P	P	P	P	P	
Cemetery or mausoleum	P				P	
Civic, social, and fraternal organization			P	P	P	
Community Center	C	C	C	P	P	C
Crematorium						P
Historic site or monument	C	C	C	C	C	C
Library			C	P	P	
Museum or planetarium				P	P	
Tourist information center				P	P	

**LAND USE = COMMUNICATION, UTILITY AND TRANSPORTATION**

**AF R-1 R-2 C-1 C-2 I-1**

	AF	R-1	R-2	C-1	C-2	I-1
Accessory use or building	P	C	C	P	P	P
Airports, heliports, landing field	C				C	C
Ambulance service				P	P	
Automobile parking lot/garage, private	P			P	P	P
Automobile parking lot/garage, public	C			P	P	P
Bus shelter, commercial				P	P	P
Cellular Telephone towers	C			C	C	C
Packaging and crating	P	C	C	C	C	P
Radio and TV stations <b>with</b> transmission and receiving towers	C			C	C	C
Radio and TV stations <b>without</b> transmission and receiving towers	C			P	P	P
Taxi cab office		C	C	P	P	P
Telephone/telegraph center or station				P	P	P
Travel agency		C	C	P	P	
Truck and bus parking lot	C				C	P
Trucking yard or terminal	C				C	P
Utility owned building, structure or use	C	C	C	C	C	P

**LAND USE = SPORTING, RECREATION AND AMUSEMENT**

**AF R-1 R-2 C-1 C-2 I-1**

	AF	R-1	R-2	C-1	C-2	I-1
Accessory use or building				C	C	C
Entertainment and amusement, indoor				C	C	C
Equestrian facility & Riding Academy	C					C
Game room				P	P	C
Go-cart track					C	C
Golf course and country club	C					
Golf driving range	C					C
Golf, miniature					P	P
Health Club			C	P	P	P
Ice or roller skating, indoor public	C			C	C	P
Ice or roller skating, outdoor public	C			C	C	P
Motocross Track or Course	C					C
Park, playground, or open space	P	P	P	P	P	P
Recreation facility, indoor			C		P	P
Riding stable, commercial	C					C
Sports arena	C				C	C
Swimming pool, indoor or outdoor public		C	C		C	
Tennis court, indoor or outdoor public		C	C		C	

**LAND USE = COMMERCIAL**

**AF R-1 R-2 C-1 C-2 I-1**

	AF	R-1	R-2	C-1	C-2	I-1
Accessory use or building				P	P	P
Adult Bookstore or Entertainment Facility				C	C	C
Antique Store				P	P	
Apparel and accessory		C	C	P	P	
Appliance sales and service		C	C	P	P	
Art supply		C	C	P	P	
Auction sales				C	C	P
Automobile or truck sales, new and used				P	P	P
Bakery		C	C	P	P	P
Bar, nightclub or cocktail lounge				C	C	

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LAND USE = COMMERCIAL (continued)	AF	R-1	R-2	C-1	C-2	I-1
Bicycle shop		C	C	P	P	
Book Store		C	C	P	P	
Bowling alley				C	C	C
Building material				P	P	C
Cabinet shop		C	C	P	P	P
Camera and supplies		C	C	P	P	
Clothing		C	C	P	P	
Confectionary		C	C	P	P	
Convenience stores				P	P	
Craft store		C	C	P	P	
Curio and novelty		C	C	P	P	
Dairy products, retail only				P	P	
Delicatessen				P	P	
Department store				P	P	
Drapery store				P	P	
Dress and millinery		C	C	P	P	
Drugstore or pharmacy		C	C	P	P	C
Electrical and electronic supply		C	C	P	P	C
Fabric		C	C	P	P	
Farm and garden supply		C	C	P	P	
Florist		C	C	P	P	
Fuel sales or service station					P	C
Furniture				P	P	
General merchandise	C	C	C	P	P	C
Gift Shop		C	C	P	P	
Green house	P	C	C	P	P	P
Grocery				P	P	
Hardware				P	P	
Hobby and toy		C	C	P	P	C
Hotel/Motel				P	P	C
Ice cream				P	P	
Import		C	C	P	P	C
Jewelry		C	C	P	P	
Leather goods		C	C	P	P	
Liquor store, package				P	P	
Meat market				P	P	
Mobile home, manufactured home and recreational vehicle sales				C	P	C
Music shop		C	C	P	P	
Nursery, plant and flower	P	C	C	P	P	C
Office supply and equipment		C	C	P	P	
Paint and wallpaper		C	C	P	P	
Pawnshop				P	P	
Pet shop				P	P	
Pharmacy (drugs and medical supplies only)				P	P	
Restaurant (drive-in)					P	
Restaurant (except no drive-ins, walk-ups, or alcoholic beverages)				P	P	
Second hand (if conducted within a wholly enclosed building)		C	C	P	P	
Sewing machine sales and service	C	C	C	P	P	
Shoe store				P	P	
Shopping center				P	P	

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<b>LAND USE = COMMERCIAL (continued)</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Sporting goods	C	C	C	P	P	C
Surgical, medical, and dental supplies and equipment				P	P	
Tavern				C	C	C
Telephone, computer, etc.		C	C	P	P	
Theater, drive-in						C
Theater, movie or legitimate (indoor)				P	P	
Tobacco shop		C	C	C	C	
Upholstery, automobile and furniture		C	C	P	P	
Variety store				P	P	

<b>LAND USE = SERVICE AND OFFICE</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Accessory use or building				P	P	P
Advertising		C	C	P	P	C
Animal Shelter	C			C	C	P
Apparel, repair or alteration		C	C	P	P	
Appliance repair		C	C	P	P	P
Automobile or truck repair		C	C	C	C	P
Bank				P	P	
Barber or beauty shop		C	C	P	P	
Blood bank				P	P	
Blueprinting, duplicating, etc. (Copy shop)		C	C	P	P	P
Building maintenance (janitorial service)		C	C	P	P	P
Business association, office		C	C	P	P	P
Carwash				C	P	P
Catering		C	C	P	P	
Church or religious facility		C	C	C	C	C
Clinic				P	P	C
Construction trade office		C	C	P	P	P
Consumer credit, collection		C	C	P	P	
Dance Hall				C	C	
Dance, music and voice school		C	C	P	P	
Data processing		C	C	P	P	
Day care		C	C	P	P	
Dry cleaner, coin operated, custom and self service				P	P	C
Dry cleaner, coin or attendant operated, no onsite cleaning plant				P	P	C
Employment		C	C	P	P	
Equipment rental		C	C	P	P	P
Finance and investment		C	C	P	P	
Furniture refinishing		C	C	P	P	P
Governmental building or facility				P	P	C
Horticultural services				P	P	P
Hospital				P	P	
Hospital, large animal	P				C	C
Hospital, small animal	P				C	C
Insurance and related		C	C	P	P	
Kennel, commercial	C				C	C
Labor union organization				P	P	P
Laboratory, biochemical and X-ray				P	P	P

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<b>LAND USE = SERVICE AND OFFICE</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Laboratory, medical and dental				P	P	P
Laundromat self service cleaner				P	P	
Laundry, commercial plant						P
Lockers, cold storage, retail use only				P	P	P
Locksmith		C	C	P	P	C
Medical clinic and related services				P	P	
Mortuary and funeral				P	P	
Newspaper printing		C	C	P	P	P
Photography, camera, supplies, developing		C	C	P	P	
Post office				P	P	
Printing and publishing		C	C	P	P	
Prison, jail, etc.				C	C	C
Professional office		C	C	P	P	
Radiator repair and service				P	P	
Real estate, title and related		C	C	P	P	
School, academic/vocational, commercial		C	C	P	P	
School, academic/vocational, public/non-profit		C	C	P	P	

<b>LAND USE = SERVICE AND OFFICE (continued)</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Sewing and Alterations		C	C	P	P	
Shoe repair		C	C	P	P	
Storage rental	C		C	C	P	
Studio (artist, interior decorator, photographer, etc.)		C	C	P	P	
Tailor or dress making		C	C	P	P	
Taxidermy		C	C	P	P	
Tire shop, including recapping				C	C	P
Treatment center for alcoholism/chemic dependency				P	P	C
Veterinary	P			P	P	P
Welfare and charitable distribution				P	P	C

<b>LAND USE = INDUSTRIAL</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Accessory use or building						P
Administrative and sales offices related to industrial uses				P	P	P
Agricultural supply	P			C	C	P
Asphalt plant						P
Automobile body, paint shop				C	P	P
Concrete batching and mixing	C					P
Dairy products processing	P	C	C	C	C	P
Equipment sales, including large implement or heavy equipment						P
Grain/feed and seed processing and sales	P				C	P
Hatchery	C					P
Impound/storage yard, vehicle						C
Incineration or reduction of garbage, dead animals, offal, or refuse						
Laboratory				C	C	C
Lumber yard, retail					C	P
Machine shop					C	P
Manufacture, assembly or packaging of products from previously prepared materials	C	C	C	C	C	P

<b>LAND USE = INDUSTRIAL</b>	<b>AF</b>	<b>R-1</b>	<b>R-2</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Manufacture, compounding, bottling, processing, packaging, or treatment of				C	C	CP

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food and beverage products						
Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of the following products: textile, apparel and related items, building materials, furniture and fixtures, paper, chemicals, and chemical products, petroleum, electronic, concrete, rubber, plastic, metallic and nonmetallic mineral resources, professional and scientific, or any combination thereof of items, materials, or goods				C	C	C
Meat, poultry and fish processing and packing						P
Mineral Resources, natural (subject to state law provisions)	C					P
Monument works, stone	C					P
Petroleum storage						C
Planing mill	C					P
Plumbing supplies and services				P	P	P
Research facility	C			C	C	P
Retail sales/services incidental and directly related to industrial uses				P	P	P
Salvage or wrecking yard						C
Sanitary landfill, garbage dump						
Sewage and waste treatment plant, private						C
Sewage and waste treatment plant, public						P
Slaughter house, provided enclosed within a building						C
Warehouse, distribution and wholesale				C	C	P

**TABLE 2-B: CITY OF POTLATCH SETBACK, HEIGHT, AREA, AND COVERAGE STANDARDS**

<b>Table 2-B-1. Minimum setback requirements</b>						
<b>Zoning District</b>	<b>Minimum Setback Requirements</b>					
	<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear Street</b>	<b>Rear Alley</b>	<b>Rear Acc. Bldg.</b>
<b>AF</b>	30	20	20	20	20	5
<b>R-1</b>	20	5	20	10	10	5
<b>R-2</b>	20	5	20	10	10	5
<b>C-1</b>	NA	NA	NA	NA	NA	NA
<b>C-1 Residential</b>	20	5	20	10	5	5
<b>C-2</b>	20	5	20	10	5	5
<b>C-2 Residential</b>	20	5	20	10	5	5
<b>I-1*</b>	15	NA	15	10	NA	NA

\*NOTE: When an industrial use is adjacent to a residential use or zone a twenty (20) foot landscaped setback is required that effectively screens and separates uses.

<b>Table 2-B-2. Maximum structure heights, minimum lot dimensions, minimum floor areas, maximum lot coverage and minimum lot area requirements.</b>							
<b>Zoning District</b>	<b>MAXIMUM</b>		<b>MINIMUM</b>	<b>MINIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>
	<b>Height (ft.)* primary structure</b>	<b>Height (ft.)* detached acc. Bldg.</b>	<b>Lot Width (ft.)</b>	<b>Lot Depth (ft.)</b>	<b>Floor Area/Unit (sq. ft.)</b>	<b>Lot Coverage (%)</b>	<b>Lot Area (sq. ft.)</b>
<b>AF</b>	35	35	135	135	980	25	43,650
<b>R-1</b>	35	20	60	100	980	40	6500
<b>R-2</b>	35	20	60	100	980	40	6,500 + 3,500 for each additional dwelling unit.
<b>C-1</b>	45	45	NA	NA	NA	80	NA
<b>C-1 Res.</b>	45	20	60	100	980	40	6,500
<b>C-2</b>	45	45	NA	NA	NA	80	6,500
<b>C-2 Res.</b>	45	20	60	100	980	40	6,500
<b>I-1</b>	50	50	NA	NA	NA		

\*NOTE: Heights are measured from the top of the foundation on the street (main entrance) side of the structure to the highest point on the house except the chimney. On corner lots the height is defined as the greater of the heights measured from each of the streets adjacent to the structure. The heights of radio antennas, television antennas, and similar structures shall be the height measured from ground level at the center of the base of the structure.



<b>Table 2-B-3. Fences, walls, hedges and minimum parking requirements</b>			
<b>Zoning District</b> (See notes below)	<b>Front yard setback</b>	<b>Side &amp; Rear yard setbacks</b>	<b>Off-Street Parking Spaces</b>
	<b>Maximum Height (ft.)</b>	<b>Maximum Height (ft.)</b>	<b>Minimum required (See notes below)</b>
<b>AF</b> <sup>1,3,4,5</sup>	4	6	2 per single family residence
<b>R-1</b> <sup>2,3,4,5</sup>	4	6	2 per single family residence
<b>R-2</b> <sup>2,3,4,5</sup>	4	6	2 per dwelling unit
<b>C-1</b> <sup>2,3,5</sup>	3	6	1 per 250 sq. ft. of gross floor area. 2 MINIMUM, but see Chapter 6
<b>C-1 Res.</b> <sup>2,3,4,5</sup>	4	6	2 per dwelling unit
<b>C-2</b> <sup>2,3,5</sup>	3	6	1 per 250 sq. ft. of gross floor area. 2 MINIMUM
<b>C-2 Res.</b> <sup>2,3,4,5</sup>	4	6	2 per dwelling unit
<b>I-1</b> <sup>2,3,5</sup>	See notes below	See notes below	By requirements listed in Chapter 6

**NOTES on fences, walls and hedges:**

1. Barbed wire/electric fencing is allowed for livestock enclosures in the Ag/Forest zone. However, no barbed wire or electric fencing shall be installed within the required front yard areas.
2. Barbed wire fences or other fences constructed in a manner that may be hazardous to persons or animals are prohibited in the R-1, R-2, C-1, C-2, and I-1 zones.
3. Fences, walls, and hedges shall not be constructed in such a way that visibility of vehicles backing out of driveways is obstructed.

**NOTES on Off-Street Parking**

4. For the minimum number of off-street parking spaces required for uses other than residential in the AF, R-1, and R-2 zones, see Chapter 6, Off-Street Parking.
5. See Chapter 6, Off-Street Parking, for the minimum number of off-street parking spaces required by use.

## Chapter 3

### CONDITIONAL USE PERMITS

Section 3-1	Purpose
Section 3-2	Minimum Standards
Section 3-3	General Provisions
Section 3-4	Application Procedures
Section 3-4-A	Project Application
Section 3-4-B	Pre-Application Conference
Section 3-4-C	Application Process
Section 3-4-D	Notice
Section 3-5	Hearing Required
Section 3-6	Notification to the Applicant
Section 3-7	Time Limitation for Construction
Section 3-8	Violations
Section 3-9	Conditional Use Approval and Expirations
Section 3-10	Multiple Use on One Parcel

#### SECTION 3-1 PURPOSE

Every use that requires a conditional use permit is declared to possess characteristics such as to require review and appraisal by the Commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons, property, or natural resources in the vicinity. It is the responsibility of the applicant to present plans to implement a conditional use in a way that will not harm existing or potential use of nearby lands or place additional unreasonable demands on public services. A conditional use permit shall be subject to the terms and conditions by which it is approved. Conditions of approval may include, but are not limited to:

1. hours of operation
2. setbacks
3. grading
4. lighting
5. fencing
6. landscaping
7. signs
8. screening
9. road volumes, traffic control, maintenance
10. natural resource impact mitigation including wildlife habitats, historic sites, shorelines, floodplains, fire hazards, etc.
11. sight obstruction mitigation
12. visibility from roads
13. noise mitigation, etc.

### **SECTION 3-2 MINIMUM STANDARDS**

An approved conditional use permit shall at least meet the minimum bulk standards, such as, but not limited to, setback requirements, lot size and building height (*Table 2-B*). Exceptions to those requirements must be sought through the variance procedure.

### **SECTION 3-3 GENERAL PROVISIONS**

Conditional uses may be permitted only after proper application, review, approval and conformance to the conditions of approval. Conditional uses are listed in *Table 2-A*. If a land use is proposed which is not provided for within *Table 2-A*, its status as an allowed or a conditional use shall be determined according to procedures outlined in Chapter 11 Section 4.

### **SECTION 3-4 APPLICATION PROCEDURES**

The provisions of this section shall apply to the various buildings and uses designated herein as conditional uses.

- A. **Pre-Application Conference:** Prior to formal filing of an application, the applicant is encouraged to confer with the City Clerk to obtain proper forms, information, guidance and project review.
- B. **Project Application:** At least one owner or lesser, with the owner's written consent, of the property for which such conditional use is proposed shall file an application for a conditional use permit with the City Clerk. The application procedure is outlined in Chapter 10 (Administration), Section 4.
- C. **Application Process:** The City Clerk shall sign and date the application upon acceptance thereof. The application will be officially accepted only after it has been completed as determined by the City Clerk and submitted along with the required plans, and fees.
- D. **Notice**
  - 1. Following receipt of a full application, the City Clerk shall schedule a public hearing before the Planning and Zoning Commission, publish and provide notice of hearing as outlined in Chapter 10 (Administration), Section 5.
  - 2. Following receipt of a full application, the City Clerk shall notify required agencies (67-6509) that the application has been received. The purpose of the notice will be to notify the agency of a proposed use that may affect matters within their jurisdiction or to obtain comments relying on the expertise within that agency to provide information relevant to the review of the application. When permits are required by other agencies for all or parts of the application, evidence of the permit and compliance with the provisions of the

permit shall be a condition of the conditional use permit. Such permits include but are not necessarily limited to: permits to use public lands; permits to construct wastewater collection treatment and disposal facilities; commercial wastewater collection treatment and disposal facilities; permits to alter wetlands; permits to construct in flood prone areas; and permits to alter stream channels. No conditional use permit will be issued until required complementary permits are received.

### **SECTION 3-5 HEARING REQUIRED**

Following the acceptance of the completed conditional use permit application by the City Clerk and prior to considering a conditional use permit request, a public hearing shall be held by the Planning and Zoning Commission to review the conditional use permit request.

A. **Notification:** Notification of the public hearing shall be provided according to Chapter 10 (Administration) of this Ordinance.

**B. Action by the Hearing Body:**

Conditional use permit requests shall be heard by the Planning and Zoning Commission in accordance with the City's hearing procedure ordinance. The Commission shall consider the facts and circumstances of each conditional use application and shall make findings of fact based on the following standards:

1. That the use will in fact, constitute a conditional use as specified in *Table 2-A*, or as determined by the Commission according to procedures outlined in Chapter 11 (Amendments), Section 4.
2. That the use will be in accordance with the goals and policies of the City of Potlatch Comprehensive Plan.
3. That the use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character and uses of the vicinity and that such use will not change the essential character of the same area.
4. That the use will not be hazardous or in conflict with existing neighboring uses.
5. That the use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, schools, etc., at reasonable marginal cost.
6. That the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the use will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or the welfare of

the general public by reason of excessive production of traffic, noise, smoke, fumes, excessive light or glare, pollution or odors.

8. That the use will not have vehicular approaches to the property that create hazardous interference with traffic on surrounding thoroughfares.
9. That the use will not result in the destruction of any significant natural, scenic or historic feature.
10. That adequate land is available to accommodate the use.
11. That in the case of an Accessory Dwelling Unit in any zone, there is in fact a hardship case regarding care for an immediate family member.

**C. Conditions of Approval:**

In recommending approval of any conditional use permit, the Commission may prescribe appropriate conditions, bonds, and safeguards in conformity with this Ordinance or the comprehensive plan. Conditions may include, but shall not be limited to, specific requirements that:

1. Minimize adverse impacts on other development.
2. Control the sequence and timing of development.
3. Assure that development is maintained properly.
4. Designate the exact location and nature of development.
5. Require the provisions for on-site public facilities or services.
6. Require more restrictive standards than those generally required in this Ordinance.
7. Control or limit the duration of development.
8. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts providing services within the planning jurisdiction.
9. Require financial guarantees.

**D. Commission's Actions:**

Following the public hearing the Commission shall approve, conditionally approve or deny the application; or delay a decision for up to one hundred and twenty (120) days for further

study or hearing. Upon final action, the Commission shall specify: The Ordinances and standards used in evaluating the application; and the reasons for approval or denial.

### **SECTION 3-6 NOTIFICATION TO THE APPLICANT**

- A. Within ten (10) days following the action of the Commission, the City Clerk shall provide written notice of the Commission's decision to approve, conditionally approve or deny the conditional use permit application to the applicant. A decision of the Commission may be appealed to the City Council providing an appeal is filed within fourteen (14) days of notice of the Commission's decision. The applicant may begin use of the Conditional Use Permit (the permit having been approved) upon expiration of the appeal period. If an appeal is filed, work must cease until such time as the appeal is decided, at which time it will be determined whether work may continue or not.
- B. When the Commission's decision has been appealed to the City Council, a conditional use permit will not be issued until after the Council's decision on the appeal. Appeal may be made by any affected person upon payment of a fee or by the City Clerk, Mayor, or any Council member. When a matter is appealed to the City Council, they may act on the appeal based on the record or may hold a public hearing, with notice as provided in Chapter 4 Section 3.

### **SECTION 3-7 TIME LIMITATION FOR CONSTRUCTION**

Unless a longer time is specifically established as a condition of approval, a conditional use permit shall be considered void twelve (12) months following the effective date of the permit approval if construction is not underway and being diligently pursued toward completion.

### **SECTION 3-8 VIOLATIONS**

A conditional use permit may be suspended upon determination by the City Council during its regularly scheduled meeting that a violation of the conditions of approval has occurred. The Commission shall hold a public hearing to review all violations and determine corrective actions.

### **SECTION 3-9 CONDITIONAL USE APPROVAL**

- A. Conditional use permits, other than those granted for Home Occupations and Accessory Dwelling Units, are granted to the subject property and shall remain valid upon a change in ownership with all attached conditions. Conditional use permits are not transferable from one parcel to another, but may be transferred to a new owner. If an allowed conditional use is abandoned for more than twelve (12) months it shall expire. Any attempts to resume operation without a current conditional use permit is a violation of this Ordinance.
- B. Conditional use permits for Home Occupations are non-transferable and are valid so long as the conditions of approval and home occupation standards are conformed to.

- C. Conditional use permits for Accessory Dwelling Units are non-transferable and are automatically revoked when the hardship requirement is no longer satisfied.

**SECTION 3-10 MULTIPLE USE ON ONE PARCEL**

The Commission may grant more than one conditional use permit to a single parcel of property or may grant conditional use permits to a single parcel of property that currently contains an allowed use.

## Chapter 4

### VARIANCES

Section 4-1	Purpose
Section 4-2	Application Procedures
Section 4-3	Hearing Procedure
Section 4-4	Expiration of a Variance

#### SECTION 4-1 PURPOSE

The Commission may authorize in specific cases such variances from the bulk requirements of this Ordinance as will not be contrary to the public interest and when due to natural site characteristics compliance with the bulk requirements of this Ordinance would result in undue hardship. No non-conforming use of neighboring lands, structures or buildings and not-allowed or non-conforming use of lands, structures or buildings shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the bulk provisions of this Ordinance would result in unnecessary hardship or inequity. Variance shall not be granted to allow a use where such use is prohibited by this Ordinance.

#### SECTION 4-2 APPLICATION PROCEDURES

At least one owner or lesser, with the written permission of the property owner, of the property for which such variance is proposed shall file an application for a variance with the City Clerk. Application procedures are outlined in Chapter 10 (Administration).

#### SECTION 4-3 HEARING PROCEDURES

Following the acceptance of the complete variance application by the City Clerk and prior to granting a variance, a public hearing shall be held to review the variance request.

- A. **Notification of Hearing:** Notification procedures are outlined in Chapter 10 (Administration).
- B. **Action by the Hearing Body:** Variance requests shall be heard by the Planning and Zoning Commission. The Planning and Zoning Commission shall consider the facts and circumstances of each variance application and shall make findings of fact based upon the following:
  - 1. That special conditions and circumstances exist that are peculiar to the land, structure or building involved and that are not applicable to other lands, structures or buildings.
  - 2. That a literal application of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by like properties under the terms of this Ordinance.



3. That the hardship and/or unique circumstances do not result from actions or desires of the applicant.
  4. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings.
  5. The relief granted by the variance will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement.
- C. **Conditions of Approval:** In approving any variance request, the Commission may prescribe appropriate conditions in conformity with this Ordinance.
- D. **Commission's Actions:** following the public hearing the Commission shall approve, conditionally approve, or deny the application. The Commission may table the item for further review or delay a decision for up to one hundred twenty (120) days for further study or hearing. The action must state in writing:
1. The standards used in evaluating the application.
  2. The reason(s) for the decision.

#### **SECTION 4-4 EXPIRATION OF VARIANCE APPROVAL**

Unless a longer time is specifically established as a condition of approval, a variance approval shall be considered void twelve (12) months following the effective date of the approval if construction is not being diligently pursued toward completion.

## Chapter 5

### PERFORMANCE STANDARDS

Section 5-1	Purpose
Section 5-2	Performance Standards – All Districts
Section 5-3	Performance Standards – Multifamily and Duplex
Section 5-4	Performance Standards – Commercial and Industrial
Section 5-5	Manufactured/Modular Homes Placement Standards
Section 5-6	Home Occupations
Section 5-7	Veterinary Facilities With Boarding
Figure 5-1	Clear site triangle at intersections

#### SECTION 5-1PURPOSE

The purpose of this chapter is to list the standards required with development. Performance standards are used to provide consistency in the development of a site by setting specific requirements that must be met by the development.

#### SECTION 5-2PERFORMANCE STANDARDS – ALL DISTRICTS

- A. **Corner Lot Visibility:** Visibility shall be maintained at all intersections as shown in Figure 5-1. In the event natural topography makes establishment of the visibility triangle impractical at an intersection, additional traffic control, such as stop or yield signs, shall be installed at the intersection.
- B. **Temporary Uses:** Temporary buildings, trailers, equipment, and materials used in conjunction with construction work, may be permitted in any district during the period for which construction work is in progress. Temporary facilities shall be removed upon completion of the construction work or upon expiration of the building permit.
- C. **Storage of Unlicensed Vehicles/Trailers/Boats:** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property unless stored in a completely enclosed building or carport. One boat and/or one recreational vehicle without licenses may be stored in the side or rear yard. See City Ordinances 416 and 418.
- D. **Dangerous and Objectionable Conditions:** No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions, which may adversely affect the surrounding areas or adjoining premises. Any use permitted by this chapter may be undertaken and maintained, if measures and safeguards to reduce the dangerous and objectionable conditions to required limits are enacted, as established by the performance standards and other referenced standards, in this ordinance.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures listed in the Uniform Fire Code 1997 Section 101.1 “Administration Article 1”, and Volume 2 “Standards”.

Activities involving the use or storage of flammable or explosive materials shall be removed to a distance specified in the current adopted Uniform Fire Code, and current adopted building code. Such activities shall also be protected by adequate fire fighting and fire prevention equipment.

- E. **Glare/Exterior Lighting:** No use shall create direct or reflected glare which will adversely affect any adjacent property. Encroachment by stray light in excess of 0.5 horizontal foot candles at a distance of 25 feet beyond the property line shall constitute light trespass and shall be considered a violation of this ordinance. Lighting installed subsequent to the passage of this ordinance shall conform to the requirement for full cutoff fixtures. Light fixtures installed prior to the passage of this ordinance that violate this section shall be replaced with full cutoff fixtures or retrofitted with shields to bring them into compliance with this section within ten (10) years of the date of passage of this ordinance. A reasonable replacement schedule, based on light fixture maintenance factors shall be adopted for replacing roadway lighting and public facility lighting. Violation of this section shall subject to penalties outlined in Chapter 10, Section 8.
- F. **Street Right-of-Way Dedication and Frontage Improvements:** Dedication of necessary additional street rights-of-way and construction of frontage improvements are required at the time of any construction on a lot or expansion of an existing use by 25% or more in floor area. Street improvements may include base and pavement, curb, gutter, sidewalk, sewer, fire-hydrants (as may be required by the Potlatch Fire District), street lighting, and drainage swales. Right-of-Way dedication shall conform to the Transportation Element of the Comprehensive Plan, City Capital Improvement Plan, City Transportation Plan, and as recommended by the City Engineer and required by the City Council.
- G. **Street Standards:** All streets and alleys will be constructed according to the then current City Ordinance that sets right-of-way widths, construction specifications, pavement thickness, and standards for curbs, gutters, and sidewalks.
- H. **Storm Water Facilities:** Facilities to control storm water run off and discharge and erosion by it shall be installed at the time of or prior to development of adjacent property. Storm water facilities must be designed by an engineer for any subdivision or large project (over two acres in size or over \$500,000 in construction costs). If a project will place a burden on the drainage facilities of downstream facilities and properties, the developer shall be required to construct or improve such off site facilities.
- I. **Utility Line Placement:** All electric or cable service lines shall be placed underground. The City Clerk, or designee, may waive this requirement if the use is temporary in nature or if the predominant method of service is overhead in the neighborhood.

**J. Public Improvements - Street, Water, and Sewer Extensions**

1. Any owner seeking to develop property within the City, or seeking connection to the City water or sewer system shall be responsible for paying for the extension of such facilities, including streets and storm water facilities, to the property.
2. The City may require that water and sewer lines be sized to provide services beyond the needs of the property being developed. In such cases, the City shall pay the incremental costs related to increasing the size of the line.
3. All utility and street extensions shall be designed by a licensed engineer. Plans must be approved by the City prior to construction and as built plans shall be provided to the City.
4. Such extensions shall be made in accordance with all City and State standards, including fire hydrants and manholes.

**K. Water Supply and Sewage Disposal:** All uses in the R1, R-2, C-1, C-2, and I-1 zoning districts shall be on City water and sewer service. Uses in the AF district may use a private well and may use septic systems for wastewater disposal. The method of water supply and sewage disposal shall be approved by the Health District. Private sewage lagoons are not allowed within city limits

**L. Dust Control:**

1. During all on-site grading and construction activities, adequate measures shall be implemented to control dust.
2. Dust control measures will be maintained on all unpaved streets, alleys, and drives.

**M. Filling, Grading, Lagoon structure, Dredging, or Other Earth Moving Activities:**

1. Will take place in such a manner as to result in the smallest amount of bare ground exposed for the shortest time feasible.
2. Will provide temporary ground cover, such as mulch.
3. Will use diversions, silting basins, terraces, and other methods to trap sediment.
4. Will construct lagoons in such a manner as to avoid creation of fish trap conditions.
5. Will not result in damage to a floodway, channel, or natural drainage way.
6. Will construct and stabilize sides and bottom of cuts, fills, channels, and artificial watercourses to prevent erosion or soil failure.
7. Will restore topsoil or loam to a depth not less than four (4) inches.

### **SECTION 5-3 PERFORMANCE STANDARDS-MULTIFAMILY AND DUPLEX**

- A. Application for construction of a multi-family dwelling (5-plex or greater) in the R-2 zone must complete a site plan review.
- B. **Solid Waste Screening:** All trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence of at least five (5) feet in height or within an enclosed building or structure. This does not apply in the R-1 district.

### **SECTION 5-4 PERFORMANCE STANDARDS – COMMERCIAL AND INDUSTRIAL DISTRICTS**

- A. **Solid Waste Screening:** All solid waste collection areas shall be enclosed on at least three (3) sides by a solid wall or fence six (6) feet in height or within an enclosed building or structure. Adequate vehicular access shall be provided.
- B. **Outside Storage and Screening:** Outside storage areas must be screened from public view by fences, walls, berms, or a combination of these, as approved by the City Clerk, or designee. In all developments mechanical equipment and loading docks shall be screened from public view. The method of proposed screening shall be approved by the City Clerk, or designee. For any addition to an existing building which adds more than twenty-five percent (25%) to site gross floor area, all existing mechanical equipment and loading docks shall be screened. The City Clerk, or designee, may approve an alternative method of reducing the visual impact in lieu of screening, or waive the requirements if the visual impact is not an issue.
- C. **Dust Control:** During all on-site grading and construction activities, adequate measures shall be implemented to control dust. Dust control shall be implemented on all storage lots or vehicle parking areas that are not surfaced with concrete or asphalt. Areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the City Clerk or designee. Driveways and access areas shall be paved.
- D. **Parking Lot Lighting:** Lighting shall be provided for all parking lots for commercial and industrial sites. Lighting shall not result in direct or reflected glare leaving the property. Full cutoff fixtures are required. See Section 5-2, E.

### **SECTION 5-5 MANUFACTURED/MODULAR HOME PLACEMENT STANDARDS**

This section provides placement standards for manufactured/modular homes for all districts. Regulations and uses are in addition to the base district where a manufactured/modular home is located.

The following design standards are intended to describe the requirements for this type of housing to closely match on-site constructed homes.

- A. No mobile home, which lacks the Department of Housing and Urban Development (HUD) seal, may be placed on a residential lot for use as a residence.
- B. **Manufactured Home:** means any building or building component other than a mobile home which is mass produced at a factory, built on a permanent metal chassis, which is designed and constructed for transportation to a site for installation and used as a dwelling when connected to required utilities; properly connected to sewer, water, and electrical service; designed for long-term residential use by a family, contains a kitchen, bath, living and sleeping facilities, multi-sectional and at least twenty (20) feet wide with a minimum total square footage equal to one thousand (1000) square feet, manufactured on or after June 15, 1976, and certified as meeting the Manufactured Housing Construction Safety Standards of the United States Department of Housing and Urban Development, and has the following
1. Recessed permanent foundations are required. Foundations must comply with the setup requirements of section 44-1105, (2) System B, Idaho Code, when placed in any residential or commercial district.
  2. Has metallic, wood shake, shingle, asphalt shingle, or similar type roof with a minimum pitch of 3:12 (rise to run); six (6) inch minimum overhang.
  3. In addition to the requirements of this Chapter, all requirements of the zone in which the manufactured/modular home is located shall apply.
  4. Where garages are required, they must meet the zoning district standards in which they are located.
- C. **Modular Home:** means any building or building component other than a mobile home which is mass produced at a factory, which is designed and constructed for transportation by means of wheeled transportation to a site for installation and used as a dwelling when connected to required utilities; properly connected to sewer, water, and electrical service; designed for long-term residential use by a family, contains a kitchen, bath, living and sleeping facilities, multi-sectional and at least twenty (20) feet wide with a minimum total square footage equal to one thousand (1000) square feet.
1. Recessed permanent foundations are required. Foundations must comply with the setup requirements of section 44-1105, (2) System B, Idaho Code, when placed in any residential or commercial district.
  2. Has metallic, wood shake, shingle, asphalt shingle, or similar type roof with a minimum pitch of 3:12 (rise to run); six (6) inch minimum overhang.
  3. In addition to the requirements of this Chapter, all requirements of the zone in which the manufactured/modular home is located shall apply.

4. Where garages are required, they must meet the zoning district standards in which they are located.

## **SECTION 5-6 HOME OCCUPATIONS**

All Home Occupations require a Conditional Use Permit. In addition to the requirements of Chapter 3 (Conditional Use Permits), Home Occupations must meet the following standards.

### **A. Standards.**

1. Employees, other than the residents and two (2) employees, of an allowed home occupation may not work, gather, park, or meet at the residence of a home occupation on a regular basis.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than fifty percent (50%) of the floor area of the dwelling unit shall be used in conducting of the home occupation. The home occupation may take place in an accessory building meeting all other city regulations and the further regulations of this section.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign not exceeding four (4) square feet in area, indirectly illuminated following Section 8-4, paragraph E of this Chapter, and mounted flat against the wall of the principal or accessory building.
4. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Chapter 6 of this ordinance.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, dust, glare, smoke, fumes, odors, electrical interference, fire hazard, or any other hazard or nuisance detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
6. Retail sales of goods and services shall be clearly incidental to the use of the home as a primary residence.
7. A home occupation must be fully enclosed within the home or accessory building.
8. With the exception of Home Day Care, no more than two (2) clients or customers on the premises at any time.

9. Hours of operation for an allowed home occupation shall not be unreasonable or disruptive to nearby residents.

**B. Non-Compliance.** Any person believing that a home occupation is operating in violation of a condition of approval or a home occupation standard, may file a written complaint with the City Clerk.

1. After a complaint is submitted to the City Clerk, the Planning and Zoning Commission shall have 15 days to review the complaint and make a decision. If the Planning and Zoning Commission determines that there is non-compliance with the conditions or standards, the permit holder will be notified in writing, stating the non-compliance issues, and given fifteen (15) days to correct the non-compliance. The City Clerk or designee may grant, if warranted, an extended period of time to bring the home occupation into compliance.
2. Failure to correct the non-compliance within the time limit provided will result in revocation of the permit.
3. Actions by the Planning and Zoning Commission may be appealed to the City Council.

#### **SECTION 5-7 VETERINARY FACILITIES WITH BOARDING**

Veterinary facilities with boarding will be located at least three hundred (300) feet away from any residential use including motels and hotels, except for owner's residence. The facility will comply with state and local regulations relative to such an operation, and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor. The City may modify these requirements if the animals are housed in soundproof structures that screen them from view of the abutting residential property.



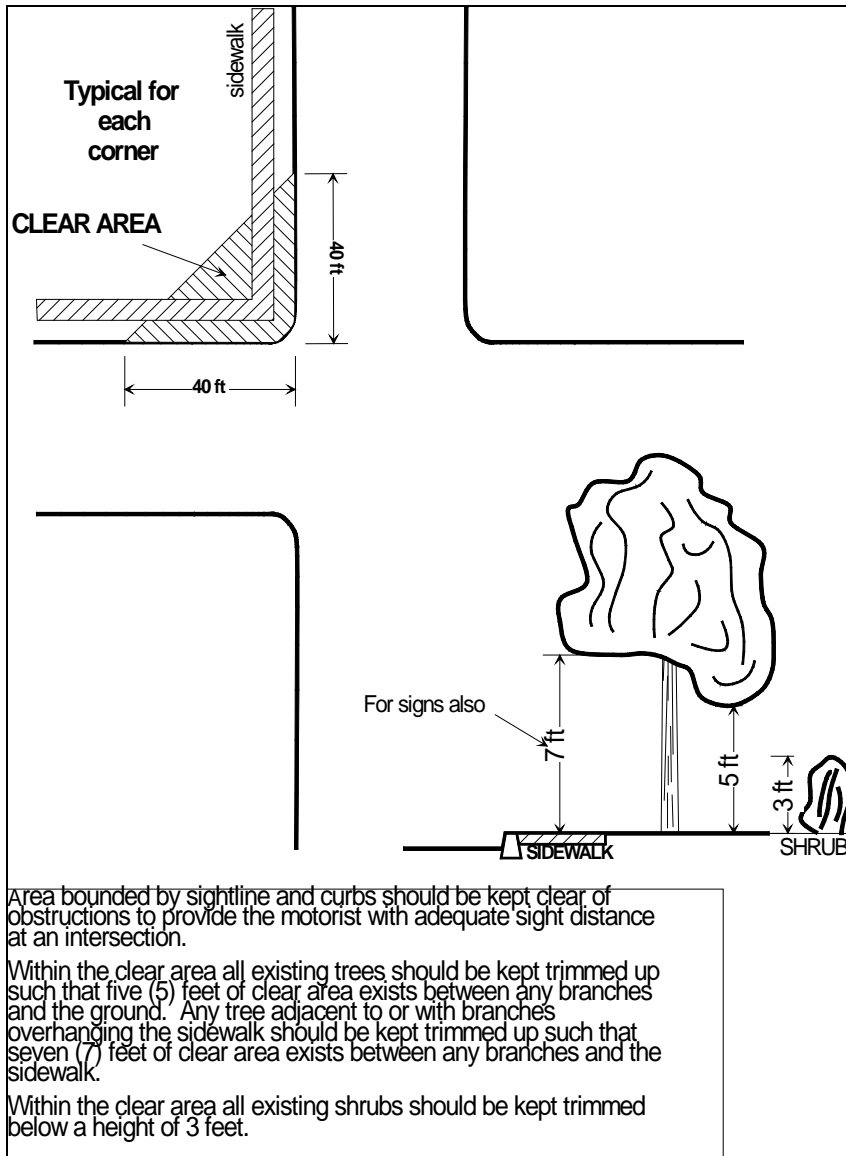


Figure 5 - 1. Clear sight triangle at intersections.

## Chapter 6

### OFF-STREET PARKING REQUIREMENTS

Section 6-1	Purpose
Section 6-2	General Parking Requirements
Section 6-3	Location of Parking Facilities
Section 6-4	Parking Area Improvements
Section 6-5	Parking Lot Design Standards
Table 6A	Parking Aisle Width Requirements
Section 6-6	Parking Spaces Required
Table 6B	Off-Street Parking Requirements
Section 6-7	Parking Requirements for Uses Not Specified
Section 6-8	Common Facilities for Mixed Uses
Section 6-9	Joint Use of Parking Facilities
Section 6-10	General Provisions; Off-Street Loading
Section 6-11	Parking Landscape Requirements
Section 6-12	Handicapped Parking

#### SECTION 6-1 PURPOSE

The purpose of this section is to set forth the minimum requirements for off-street vehicular parking and loading for various buildings and land uses within the City of Potlatch.

#### SECTION 6-2 GENERAL PARKING REQUIREMENTS

- A. Off-street parking and loading facilities drawn to scale shall be shown on a site plan for building permit or City Clerk review. This is not required for single-family or two-family dwellings .
- B. Whenever a land use is changed or altered (enlarged, increase in number of employees, seating capacity, etc.) in such a manner that will increase the parking space requirement specified by this Ordinance, a site plan showing the design for the additional parking spaces shall be submitted to the City Clerk for approval.
- C. No inoperable or unlicensed vehicles shall be parked within public or private off-street parking areas. Inoperable or unlicensed vehicles may be located in an enclosed building or within an area fenced with a sight-obscuring fence at the rear of the property. (Ord. #416 & 418)

#### SECTION 6-3 LOCATION OF PARKING SPACES

An off-street parking lot for uses other than residential uses shall be located on the same parcel or lot as the principal use the parking lot serves or within five hundred (500) feet of the principal

building it serves. This five hundred (500) foot measurement shall be measured from the nearest point of the principal building to the nearest point of the parking lot.

**SECTION 6-4 PARKING AREA IMPROVEMENTS**

All public or private parking areas which contain five (5) or more parking spaces shall be improved according to the following:

- A. All parking areas except those in conjunction with single-family or two-family dwellings shall have surfacing of all weather or durable and dust-free surfacing materials as approved by the Commission.
- B. All parking areas, except those required in conjunction with a single-family or two-family dwellings, shall provide a divider which will prevent cars from encroachment on abutting private or public property.
- C. All parking areas, including service drives, which abut a residential area, shall provide a sight-obscuring fence, wall or hedge not less than three (3) feet or more than six (6) feet in height.
- D. Any lights provided to illuminate any public or private parking area shall comply with the performance standards for lighting contained in Chapter 5, Section 2, Paragraph E. Lighting shall be so arranged or hooded as to reflect the light away from any abutting or adjacent use.
- E. Parking areas for residential uses, except those required in conjunction with a single-family or two-family dwellings, shall not be located in a required front yard.
- F. On-site retention of surface water runoff shall be provided that will be adequate to drain the surface of the parking area so as to prevent the flow of water to adjacent properties.

**SECTION 6-5 PARKING LOT DESIGN**

All parking spaces and parking lots shall be designed and constructed to the following minimum standards:

Parking Space Dimensions - Eight (8) feet in width by twenty (20) feet in length.

Parking area aisle widths shall be as shown in Table 6-A:

<b>TABLE 6-A</b>				
<b>Parking Aisle Width Requirements</b>				
<b>Traffic directions</b>	<b>Parking Angle in Degrees</b>			
	<b>30</b>	<b>45</b>	<b>60</b>	<b>90</b>
One-Way Traffic	12	12	24	24
Two-Way Traffic	24	24	24	24

**SECTION 6-6 PARKING SPACES REQUIRED**

The minimum number of off-street parking spaces required shall be no less than as set forth in Table 6-B.

<b>TABLE 6-B Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
<b>Residential</b>	
Single-family or two-family dwelling	2 for each unit (Garages/Carports are calculated in the overall requirement.
<b>Multi-family (3 units or greater)</b>	
1 bedroom unit	1.5 for each dwelling unit.
2 or more bedroom units	2.0 for each dwelling unit.
Senior Housing (55 years and older)	1 for each dwelling unit.
Mobile Home Park	2 for each unit.
<b>Commercial</b>	
	Except for the uses listed below, all commercial uses shall have 1 space for each 250 square feet of gross floor area (less any floor area used for storage, etc.). <b>For any commercial use a minimum of 2 spaces shall be required.</b>
Restaurant/Taverns/Bars	1 space per 100 square feet of floor area, or 1 space for every 2 seats, whichever is greater.
Offices	1 space per every 200 square feet floor area.
Hotels/Motels	1 space per each sleeping room plus 1 space fore each 2 employees.
Medical/Dental Offices	1 space per every 200 square feet floor area.
Mini-Storage	3 spaces, plus 1 space for each 75 units.
<b>Industrial/Manufacturing</b>	
	1 for every 1 employee (on the largest shift for which the building is designed) plus 1 for each vehicle used in the business, or a minimum of 5 spaces, whichever is greater.
<b>Institutional</b>	
Churches or Assembly Areas (including funeral homes)	1 space for each 5 seats
Hospitals	1 for each bed; 1 for each staff employee
<b>Schools</b>	
High School	1 for each 6 students and 1 for each teacher
Middle School	1 for each 25 students and 1 for each teacher
Elementary School	1 fore each 40 students and 1 for each teacher
Child care/nursery schools	2 fore each classroom, not less than 6 total.

**SECTION 6-7 PARKING REQUIREMENTS FOR USES NOT SPECIFIED**

The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning and Zoning Commission and such determination shall be based upon the requirements for the most comparable building or use specified herein.

**SECTION 6-8 COMMON FACILITIES FOR MIXED USES**

In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered to provide parking facilities for any other use except as provided below.

**SECTION 6-9 JOINT USE OF PARKING FACILITIES**

Joint Uses Of Parking Facilities: The Planning and Zoning Commission may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

- A. The applicant shows that there is no substantial conflict in the principal operating use of the building or use for which the joint use of parking facilities is proposed.
- B. The parking facility for which joint use is proposed is not further than five hundred (500) feet from the building or use require to have provided parking.

**SECTION 6-10 GENERAL PROVISIONS; OFF-STREET LOADING**

The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that is and will remain available for exclusive off street loading space for the property for which the building will be used.

- A. Owners of two or more buildings may agree to utilize jointly the same loading spaces, if approved by the Planning and Zoning Commission.
- B. Areas used for standing and maneuvering of vehicles shall have durable surfaces of asphaltic concrete or dust-free surfacing, maintained adequately for all weather use.
- C. Loading areas adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in or on any adjacent dwelling.
- D. On-site retention of surface water shall be provided that will be adequate to drain the surface of the loading area so as to prevent flows of water onto adjacent properties.

**SECTION 6-11 PARKING LANDSCAPE REQUIREMENTS**

Construction of an off street parking lot for uses other than residential shall include a landscape design that provides:

- A. A green area that includes trees and shrubs covering a minimum of 10 % of the lot area.
- B. A planting and maintenance for the green area.
- C. Landscaping shall include a buffer between the parking lot and any public street.
- D. Landscaping shall include a buffer between the parking lot and any adjacent residential property.

**SECTION 6-12 HANDICAPPED PARKING**

All handicapped parking requirements shall follow the current guidelines from the Council of American Building Officials (CABO) and the American National Standards Institute (ANSI).

## Chapter 7

### NON-CONFORMING USES, BUILDINGS, AND LOTS

Section 7-1	Purpose
Section 7-2	General Provisions
Section 7-3	Non-conforming under Permit Authority

#### SECTION 7-1 PURPOSE

It is the intent of this Ordinance to permit legal non-conforming uses, structures, and lots to continue until they are removed or altered in such a manner to bring them into conformance. It is further the intent of this Ordinance that non-conforming uses, buildings, and lots shall not be enlarged upon, expanded or extended in such a manner as to increase their non-conformity, without approval of the Commission.

#### SECTION 7-2 GENERAL PROVISIONS

- A. The lawful use of land or structures existing on the effective date of this Ordinance may be continued.
- B. A non-conforming structure which conforms with respect to use may be altered or expanded if the alteration, expansion or addition is in conformance with the standards of this Ordinance.
- C. If a non-conforming use is discontinued for a period of twelve (12) consecutive months further use of the property shall thereafter conform to this Ordinance. However, any single family or duplex use lawfully existing on the effective day of this Ordinance shall be hereafter deemed a lawful use. All state laws requiring continuing use of a building for the purpose it was constructed for, shall apply.
- D. A non-conforming use, if changed to a conforming use, may not thereafter be changed back to a non-conforming use.
- E. Normal repairs and alterations may be made to a lawful non-conforming structure. No existing non-conforming structure designed, arranged, intended for or devoted to, a use not allowed under this Ordinance shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use allowed under the regulations specified by this Ordinance; and provided, further, that nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof, unless such building has been destroyed by an extent exceeding fifty percent (50%) of the physical structure, as determined by consideration of the assessed value as determined by the County Assessor.
- F. When a building or other structure containing a non-conforming use other than a residence is damaged by fire or by any other cause so that the cost of renewal of the damaged parts

exceed fifty percent (50%) of the cost of the replacement of the entire building (exclusive of foundations) using new materials, then such building shall not be rebuilt. When the damage is less than fifty percent (50%), the building and its construction and uses shall conform fully to all codes of the City as applied to new buildings. The determination of whether a building is destroyed to the extent described above shall rest with the City Council and/or the agent they hire to make that decision for them.

**SECTION 7-3 NON-CONFORMING UNDER PERMIT AUTHORITY**

Nothing contained in this regulation shall require any change in the plans, construction, and alteration or designated use of a structure upon which construction has commenced or a permit has been obtained prior to the effective date of this Ordinance. If the designated use will be non-conforming, the construction for such use shall be commenced within six (6) months of permit issuance and it shall be in operation within two (2) years from the effective date of this Ordinance, otherwise, future use of the property shall be in conformance with the Potlatch City Zoning Ordinance.



## Chapter 8

### SIGNS

Section 8-1	Purpose
Section 8-2	Exemptions
Section 8-3	Procedures
Section 8-4	Standards
Section 8-5	Land Use Standard for Signs
Section 8-6	Existing Non-conforming Signs
Section 8-7	Enforcement
Section 8-8	Fees

#### SECTION 8-1 PURPOSE

The purpose of this chapter is twofold.

- A. To provide maximum visibility for safety purposes along roadways, maintain unobstructed views at intersections and prevent undue distractions to vehicle operators by preventing confusion at or near traffic signs and signals and along corridors.
- B. To require preplanning of select signage and promote artistic license within the same size limit and similar location for less confusion and clutter. Signs meeting this intent will act as a signature block for creative expression but not an advertising billboard. This chapter contains Sign Standardsfor uniform but creative signage. The pride of ownership and entrepreneurial spirit is encouraged by artistic signage in the community. –

#### SECTION 8-2 EXEMPTIONS

Signs exempted from city permit requirements are as follows:

- A. Directional or information signs that are no larger than three (3) square feet per face, which help direct on premises land uses or activities, and do not display an advertising message (for example: Public convenience signs identifying restrooms, public telephones, walkways and similar features or facilities, parking directions, addresses etc.)
- B. Memorial signs or tablets displaying names of buildings and dates of erection when cut into the surface or facade of the building.
- C. Signs required by law or that serve the public interest such as traffic signs, railroad crossing signs, legal notices, warning of temporary emergencies, construction zones, presence of underground cable, utility signs, and similar signs installed on public property and that are owned and maintained by City, County, State, or Federal agencies or a public utility company.

- D. Temporary signs or banners that bear no product advertising and announce nonprofit community or civic events. Such signs or banners shall be removed within seven (7) days following the event.
- E. A sign that is visible only from within the parcel on which it is found.
- F. Signs that identify the architects, engineers, contractors, lenders, government agencies or programs (i.e. FHA, HUD, FMHA, Low Cost Housing, Senior Citizen Center, etc.) and other individuals or firms involved with the construction project. (Permits required for signs advertising for any product or service.) The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the beginning of the intended use of the project.
- G. Signs advertising the sale, rental, or lease of real property or part of the real property on which the signs are displayed up to a total area of five (5) square feet per face within the residential zones. The number of signs shall be limited to one sign per parcel up to and including 40 acres, or not more than one sign per frontage. All such signs shall be confined to the property to which they apply. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.
- H. Signs announcing candidates seeking public political office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise. Such signs shall be confined to private property and removed within fourteen (14) days after the election for which they were intended.
- I. Show window signs in a window display of merchandise when incorporated with such a display.
- J. All signs authorized by this section must be located on the lot, not within the public right-of-way.

### **SECTION 8-3 PROCEDURE**

- A. A permit is required before any sign regulated by these provisions is displayed or built on any premises in this jurisdiction.
- B. Applications shall be made on forms provided by the City of Potlatch. The content of the application shall be as required herein and shall include all of the information needed to complete the application form, supplementary drawings of the sign plan, and any other information needed to complete the application review. The application shall be accompanied by the fee set forth by resolution by the Potlatch City Council.
- C. A sign plan shall be included with the application and shall contain at least the following information:

1. Materials to be used in manufacturing and constructing the sign.
2. Sign size, message size or field of lettering, and proportions.
3. Lettering size or graphic style.
4. Design features other than lettering such as symbols, logos, etc.
5. Color scheme.
6. Lighting, if proposed.
7. Location of each sign on the building(s) and/or property.

Sign plans shall be drawn neatly to scale to present a clear and accurate picture of the proposal. More than one drawing and drawings at various scale may be used.

The sign plan shall be a simple layout reviewed for compliance with standards and artistic merit. Artistic merit shall be seen in three categories:

1. Display skill of handiwork, line work and mechanics.
  2. Exhibit quality and design in signage layout and lettering.
  3. Display technique compatible to other local signage in color and material.
- D. The sign permit application will be accepted when the completed forms, including a sign plan and fee are submitted to the City Clerk. The application will be reviewed by Planning & Zoning within thirty (30) working days for acceptance. The permit will be either approved or denied based upon compliance with provisions herein.

If the application is denied, Planning & Zoning will include a written statement of the specific reasons for denial. The applicant may appeal any action of Planning & Zoning regarding the review of an application to the City Council according to Chapter 9 (Appeals) herein.

If the application is found to comply with the provisions herein, the permit will be approved. The applicant may then construct, build and display the sign and shall notify City Clerk when the work approved by the permit has been completed.

- E. The Commission has the authority to waive the standards set forth herein under unusual circumstances where a sign not meeting said standards fulfills the intent of the Ordinance better than one that meets the standards, upon a clear showing by the applicant that the proposed sign meets the intent of the Ordinance.

## **SECTION 8-4 STANDARDS**

City of Potlatch will regulate the size, amount and location of signage as provided by this Ordinance.

All signs within the City limits of Potlatch shall conform to the following requirements.

- A. No rotating beam, beacon or flashing illumination that may resemble an emergency light

shall be used with any sign display. No blinking, rotating or moving parts or components on temporary or permanent signs.

- B. It shall be the responsibility of the owner of the property and/or improvements to remove any sign or signs where the associated land use has been discontinued for more than ninety days. If a one time event, the removal of signs shall take place within seven (7) days after the event closure.
- C. If a preview sign has been erected for a future use, it shall be for a business that has received an allowed or conditional use permit to operate and meets the provisions of the sign portion of this Ordinance.
- D. The size shall be not greater than thirty-two (32) square feet per face, for example that of 4'X8'. There shall be no more than one sign per fifty (50) frontage feet. Cut-out or molded letters, or advertising when applied to buildings, shall not be greater than two (2) square foot per frontage foot, with a maximum of fifty (50) square feet on a single face of the building.
- E. The design shall incorporate a well-thought out, layout design with clean lines and an uncluttered appearance.
- F. The sign construction shall be completed in a well-built manner.
- G. The message may include service, business, owner name, address, telephone number, a logo, or graphic illustration of the product(s) or service(s) offered.
- H. On ground-mounted signs, the top of the signs shall be mounted not more than thirty (30) feet off the ground. However, signs must be set back from the roadway line one (1) foot for each foot of height greater than three (3) feet. If the street/road elevation is greater than the elevation of the mounting site, street/road elevation may be used to determine the height. The intent is to keep the sign within the vision triangle of the motor vehicles. Clear sight distances at intersections, as specified in Chapter 5, Section 2, Paragraph A, and shown in Figure 5-1, are required for signs.
- I. No more than three (3) permanent signs may be placed at a given land use. A two-faced sign is considered to be two signs. One two-way sign or two one-way signs facing each direction is allowed in the land use area.
- J. For Commercial Malls or Planned Unit Developments (industrial or commercial or a combination of land use) not more than one ground mounted sign structure shall be allowed on each road or street frontage. The sign may be used as land use and occupant identification sign. A projecting or a swinging sign is not allowed. One sign shall be allowed to be mounted flat to the building front of each shop, store or land use.

- K. No sign or sign structure, for any purpose other than approved County, State, and Federal signs shall be placed upon any City street or right-of-way. At no time shall any sign be mounted or affixed to any utility pole or structure other than as may be required by the utility owner or law.
- L. If placed inside a window, flashing signs must be not less than three hundred (300) feet from any residential area. Distance shall refer to the lineal measurement in any direction with relation to the street that the sign faces.
- M. Portable signs are considered temporary and must be removed within thirty (30) days.
- N. At no time shall a sign or portions of it be allowed to project more than two (2) feet above the roof line of the building on which the sign is mounted.
- O. An application for any sign or advertising display or structure for which no specific regulation appears in this Ordinance shall receive appropriate Planning & Zoning review as outlined in this chapter.
- P. Signs may be illuminated by shielded or directed light sources that illuminate only the surface of the sign, with no lighting glare on to any adjacent properties.
- Q. Any signs placed along State Highway 6 must meet the standards of the Department of Transportation and City of Potlatch.
- R. A variance to the foregoing may be allowed when fairness requires an exception.

#### **SECTION 8-5 LAND USE STANDARD FOR SIGNAGE**

**AGRICULTURAL USE:** One two-way or two one-way identification signs each not to exceed thirty-two square feet per face.

**RESIDENTIAL SUBDIVISION ENTRY(S):** One (1) identification sign at two entries not to exceed thirty-two (32) square feet per face.

**COMMERCIAL BUSINESSES:** One two-way or two one-way identification signs each not to exceed thirty-two (32) square feet per face.

**RECREATION OR FORESTRY USE:** One (1) identification sign, not to exceed thirty-two (32) square feet per face.

**RESIDENTIAL USE:** One (1) identification sign, not to exceed six (6) square feet per face, and shall be exempt from permit requirements.

#### **SECTION 8-6 EXISTING NONCONFORMING SIGNS**

For any sign existing in the city on the effective date of this Ordinance shall be allowed along as it meets the following conditions: 1) The sign poses no safety hazards. 2.) The sign has no lighting glare in to any adjacent properties. However, existing signs must be brought into conformance within ten (10) years of the date of passage of this ordinance.

**SECTION 8-7 ENFORCEMENT**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it identifies is no longer conducted on the premise. The owner shall be notified by mail to remove the sign within thirty (30) days.

**SECTION 8-8 FEES**

Fees are to be set by resolution by the Potlatch City Council.

## Chapter 9

### APPEALS

Section 9-1	General Provisions
Section 9-2	Commission Appeals
Section 9-3	Board Appeals
Section 9-4	Request For Mediation By Affected Persons

#### SECTION 9-1 GENERAL PROVISIONS

- A. Any decision may be appealed in accordance with Idaho Code and procedures established herein.
- B. All appeals must be written, accompanied by a fee as set forth by resolution of the City Council, and submitted to the City Clerk prior to the deadlines set forth herein. If the deadline falls on a weekend or holiday the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the error of procedure or law which forms the basis of the appeal.
- C. After review following a public hearing or not, at the Council's discretion, the Council may: grant, amend, sustain or deny a permit; or delay such a decision for up to one hundred and twenty (120) days, or upon finding that special conditions warrant for up to two hundred and seventy (270) days, for further study or hearing.

#### SECTION 9-2 COMMISSION APPEALS

- A. Any decision of the Commission may be appealed to the City Council by the applicant or any affected person. The appeal shall be filed with the City Clerk before 5:00 p.m. of the fourteenth (14<sup>th</sup>) calendar day after the written decision or determination of the Commission has been made.
- B. The City Clerk shall ascertain that the procedural requirements have been met and notify the City Council of the appeal.
- C. The clerk, upon notice of an appeal of a decision by the Commission, shall set the item on the agenda of the City Council at the earliest possible regular meeting of the City Council.
- D. If the City Council requests a public hearing, the City Clerk shall follow the notification procedures outlined in Chapter 10.
- E. All pertinent information in the planning and zoning file shall be forwarded to the City Council for review.

- F. The City Council may act on the record and hold a public hearing to review the Commission's proceedings and decisions and may obtain additional information from the Planning & Zoning, the applicant, the appellant, or the public.
- G. If the City Council requests a public hearing, the same requirements of notice as for the original public hearing before the Commission shall be followed. The City Council may sustain, amend, modify or delay the decision of the Commission for up to one hundred and twenty (120) or upon finding that special conditions warrant for up to two hundred and seventy (270) days for further study or hearing. The decision of the City Council is final and need not be referred back to the Commission except the City Council may elect to refer the matter to the Commission with specific instructions.

### **SECTION 9-3 CITY COUNCIL APPEALS**

An affected person aggrieved by a decision of the City Council may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided in Idaho Code.

### **SECTION 9-4 REQUEST FOR MEDIATION BY AFFECTED PERSONS**

Mediation is a process available to a citizen who has an objection with a Planning and Zoning related permit, approval, or denial. In an effort to promote resolution of potentially time consuming and divisive land use matters, the City Council will consider mediation. The process for mediation is as follows:

- A. Application for Mediation. Mediation must be requested in writing by any applicant or affected person or by the Mayor, department head, Council or Commission member or member of the governing board affected by any decision of the Planning and Zoning Commission or City Council at any time prior to filing of a lawsuit with the District Court.
- B. Written request for mediation must be submitted to the Planning & Zoning within 14 days of the final decision as evidenced by the written decision. The request shall indicate why the applicant is requesting mediation and what the applicant hopes to accomplish by mediation.
- C. The City Council shall notify the applicant within twenty one (21) days if it is willing to enter into mediation with the applicant.
- D. Mediation. The applicant and any person(s) objecting to the written request shall participate in at least one (1) mediation session if mediation is requested by either the Planning and Zoning Commission or by the City Council. The City Council shall select the mediator and shall pay the expense of mediation for the first meeting among mediating parties. Compensation of the mediator shall be determined among each party participating in the mediation prior to the conclusion of the first mediation session.



- E. Unless such parties participating in the first mediation session have been directed to participate in mediation by the governing board, an applicant may decline to participate in mediation that has been requested by an affected person and an affected person may decline to participate in a mediation requested by the applicant.
- F. A noticed public hearing shall be held before City Council where a proposed resolution through mediation occurs following a final decision on an application made on the basis of such mediation. Notification procedures are outlined in Chapter 10.
- G. The mediation process itself shall not be public or part of the official record regarding consideration of the application upon which the mediation is based.
- H. The time periods for appeal to court shall be tolled upon request for mediation and until
  1. Denial of the request to mediate; or
  2. until at least one mediation session has been held and
    - a. any party states in writing that no further participation by that party is desired, or
    - b. where no mediation session is scheduled for at least twenty-eight (28) days from the date of such a request; or
    - c. where the City Council acts on a request for mediation.
- I. Final action by the City Council may (1) modify, (2) reverse, (3) add additional conditions, or (4) reinstate the original action taken by the City Council.

## **CHAPTER 10 - ADMINISTRATION**

Section 10-1	City Clerk
Section 10-2	Planning and Zoning Commission
Section 10-3	Rules for Determination of Zoning Districts
Section 10-4	Project Application Procedures
Section 10-5	Public Hearing Procedures
Section 10-6	Conflict of Interest
Section 10-7	Compliance by Issuers of Permits
Section 10-8	Penalties
Section 10-9	Enforcement Procedures
Section 10-10	Schedule of Fees

### **SECTION 10-1 CITY CLERK**

- A. Office of Planning and Zoning City Clerk - There is established in the City of Potlatch, State of Idaho, the office of the Planning and Zoning City Clerk, hereinafter the City Clerk, appointed by the Mayor with the consent of the City Council. The City Clerk shall be under the supervision of the Mayor. The City Clerk shall be charged with the administration of this Ordinance. The City Clerk may be provided with the assistance of such other persons as the City Council may direct.
- B. For the purpose of this Ordinance, the City Clerk may have the following duties:
1. Assist applicants in the preparation of required forms and permit procedures; review pre-application materials; and explain proper procedures.
  2. Inform the news media regarding land use and development matters of public interest, particularly the time and place of public hearings.
  3. Prepare the agenda for the meetings of the Commission, in cooperation with Commission members.
  4. Mail necessary submission to referral agencies.
  5. Receive, file, and transmit to the Commission and/or City Council all application, petitions, transcripts, and other communications on which they must act.
  6. Maintain permanent and current records of applications, reclassifications, variances, and conditional use permits and of the hearing and actions thereon.
  7. Perform such other duties as may be assigned by the City Council.

### **SECTION 10-2 PLANNING AND ZONING COMMISSION**

City of Potlatch Planning and Zoning Commission – The City of Potlatch Planning and Zoning Commission shall implement this Ordinance with powers and duties as set forth in Idaho Code. Said Commission shall consist of not less than five (5) and not more than seven (7) members appointed by the Mayor with the consent of the City Council.

For the purpose of this Ordinance the Commission shall have the following duties:

- A. The Planning and Zoning Commission shall conduct all public hearings required by this Ordinance and the laws of the state relating to the responsibilities of the Planning and Zoning Commission. It shall be the duty of the Commission to make land use decisions and recommend actions to the City Council for the adoption of coordinated plans for the physical development of the City; to make recommendations regarding the layout, width, and location of streets, roads, highways, etc. for the proper management of vehicular and pedestrian traffic; to make recommendations concerning the future growth, development, and beautification of the City; to advise individuals concerning locations of buildings, structures to be constructed or altered by the individuals; to cooperate with other appointed boards to further the general welfare of the City; to review and make recommendations concerning subdivision activity and planned unit developments within the jurisdiction of the City; to review and provide recommendations to the City Council concerning amendments to the zoning ordinance, subdivision ordinance, comprehensive plan and other land use Ordinances of the City.
- B. Upon adoption of a zoning Ordinance, the Commission shall be empowered to issue conditional use permits and variances, subject to appeal by affected persons to the City Council.
- C. The Commission shall advise the City Council in matters relating to areas of impact and annexation of lands by the City and by other municipalities and other intergovernmental matters within the area.
- D. The Commission shall meet annually with the City Council to discuss matters relating to City planning and development.
- E. All activities undertaken by the Commission shall be consistent with budgetary appropriations established by the City Council for Commission activities.
- F. The Commission shall assume those additional powers and duties not listed and as may be assigned them by the City Council or state statute.

### **SECTION 10-3 RULES FOR DETERMINATION OF ZONING DISTRICTS**

Where uncertainty exists as to the classification or boundaries of districts as shown on the Potlatch Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- D. Boundaries indicated as parallel to or extensions of features indicated in paragraphs A through C above shall be so construed;
- E. Distances not specifically indicated on the Potlatch Zoning Map shall be determined by the scale of the map.
- F. When physical or cultural features existing on the ground are at variance with those shown on the Potlatch Zoning Map, or in other circumstances not covered by paragraphs A through E above, the district boundaries shall be determined in a manner consistent with the purposes of this ordinance.
- G. Where a district boundary line appearing on the Potlatch Zoning Map divides a platted lot which was in single ownership at the time of passage of this ordinance, the requirements of the less restrictive district shall apply to the whole thereof, provided that such extension shall not include any part of such lot more than thirty (30) feet beyond a district boundary line.
- H. If the zoning district of any property as indicated on the Potlatch Zoning Map should conflict with a textual description, the Map shall prevail.
- I. If the zoning of a parcel of land is not shown on the Potlatch Zoning Map, the parcel of land shall be deemed to be zoned AF, Agriculture/Forestry.
- J. All land hereafter annexed to the City shall be classified AF, Agriculture Forestry, pending study, public hearing, and specific classification.

#### **SECTION 10-4 PROJECT APPLICATION PROCEDURES**

- A. All projects needing a Conditional Use Permit or Variance require an application. The applicant shall file an application with the City Clerk. At a minimum the application shall include the following:
  - 1. Name, address, and telephone number of applicant.
  - 2. Proof of ownership.
  - 3. Legal description of the property.
  - 4. Solid waste disposal method.

5. Proposed utilities including: electricity, telephone, water, and sanitary wastewater treatment.
  6. Development plans showing:
    - a. Property Boundaries.
    - b. Location and dimensions of all buildings, setback dimensions, and heights.
    - c. Access to road(s).
  7. Application fees.
- B. In addition to the items listed in A., above, applicants for Conditional Use Permits shall also include the following in their application:
1. Description of existing use.
  2. Description of proposed Conditional Use.
  3. Number of people using proposed facility.
  4. Total acreage and area of each use.
  5. Number of potential students added to the school district.
  6. A Site Plan showing (in addition to the items called for in A.6. above):
    - a. Parking and loading areas.
    - b. Traffic access and traffic circulation.
    - c. Natural features and special areas of the site including drainage, rock outcrops, wildlife habitat, etc.
    - d. Open spaces, landscaping.
    - e. Refuse and service areas.
  7. An objective narrative statement discussing the general compatibility with surrounding areas including any elements that could be considered detrimental and mitigation plans for:
    - a. Storm water runoff.
    - b. Impact on schools.
    - c. Impact on law enforcement, fire departments, or other public service providers.
    - d. Impact on adjoining property including noise, light and glare, odor, fumes, vibration, etc.
    - e. Impact to natural resources (wildlife, wildlife habitat, soil, water, etc.).

- C. In addition to the items listed in A and, as applicable, B, above, applicants for Variance shall also include the following in their application:
1. Description of proposed variance.
  2. Site plan including (in addition to the items called for in A.6. above) the effect of the variance.
  3. An objective narrative stating the reasoning for a variance and justification of the variance.

### **SECTION 10-5 PUBLIC HEARING NOTIFICATION PROCEDURES**

- A. The following notification procedures apply to all hearings related to:
1. Conditional Use Permits (Chapter 3).
  2. Variances (Chapter 4).
  3. Appeals (Chapter 9).
  4. Amendments to this ordinance (Chapter 11).
  5. Hearings related to Subdivisions (Chapter 12).
- B. At least fifteen (15) days prior to the date of the public hearing the City Clerk shall cause notice of time and place and a summary of the proposed conditional use, variance, appeal, amendment, or subdivision to be published in the official newspaper of the City of Potlatch. Notice by First Class US Mail shall be sent, at the applicant's expense, to all property owners within at least three hundred ( 300) feet of the external boundaries of the subject property at least fifteen days prior to the public hearing date. When notice is required to two hundred (200) or more property owners, two (2) notices in the newspaper of general circulation are sufficient provided the first notice be provided a minimum of fifteen (15) days prior to the date of the public hearing and the second notice appear a minimum of ten (10) days prior to the public hearing. Additional notice shall be posted at the City post office and at City Hall. The City Clerk shall cause notice to be posted upon one (1) distinctly visible area of the subject site not less than ten (10) days prior to the public hearing.

### **SECTION 10-6 CONFLICT OF INTEREST**

If a Planning and Zoning Commission member or a City Council Member believes he or she may have a conflict of interest, he/she should discuss it with the City Clerk or the City Attorney prior to any public hearing.

A member or employee of the City Council or Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him by affinity or consanguinity within the second degree has economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor.

#### **SECTION 10-7 COMPLIANCE BY ISSUERS OF PERMITS**

All departments, officials, and public employees of the City vested with the duty or authority to issue permits, shall conform to the conditions of this Ordinance, and shall issue no permit, certificate, or license for the use of land, buildings, or purposes, in conflict with the provisions of this Ordinance and any such permit, certificate, or license issued in conflict with the provisions of this Ordinance shall be null and void.

#### **SECTION 10-8 PENALTIES**

Violations of any provision of this ordinance shall be deemed a misdemeanor as defined by Idaho Code 18-111. A single violation of this ordinance shall be punishable by a fine not to exceed \$300 and/or imprisonment for a period not to exceed one hundred eighty (180) days. Each separate instance or day of violation shall constitute a separate offense. Enforcement of the provisions of this ordinance may also be accomplished by undertaking civil action.

#### **SECTION 10-9 ENFORCEMENT PROCEDURES**

In the event any use of land or any construction commences in violation of the provisions of this Ordinance, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful use of land or construction; to restrain, correct or abate such violation; or to prevent any illegal act, conduct, construction, business or use of land in or about such premises. The City may enforce these regulations through civil action and/or prosecution. Violations of any provision of this Ordinance shall be a misdemeanor punishable by a fine not to exceed \$300, imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Each day of violation after notice shall constitute a separate violation.

#### **SECTION 10-10 SCHEDULE OF FEES**

The City Council shall establish by resolution a schedule of fees for amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be on file in the office of the City clerk and may be altered or amended only by the City Council. Until all applicable fees for an application or appeal have been paid in full, no action shall be taken on the application or appeal. The City Council shall have the authority to waive in whole or part any fee when such a fee would present an unnecessary hardship.

# Chapter 11

## AMENDMENTS

Section 11-1	Purpose
Section 11-2	Initiation of Zoning Amendments
Section 11-3	Contents of Application
Section 11-4	Determination of Appropriate Classification
Section 11-5	Zoning Amendment Procedures
Section 11-6	Action by Commission
Section 11-7	Action by Board

### SECTION 11-1 PURPOSE

Whenever the public necessity, convenience, general welfare or good zoning practices require the City Council may, by Ordinance, after receipt of recommendation thereon from the Commission and subject to procedures provided by Idaho Code, Section 67-6511, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

### SECTION 11-2 INITIATION OF ZONING AMENDMENTS

Proposed amendments to this Ordinance may be initiated in one of the following ways:

- A. By adoption of a motion by the Commission;
- B. By adoption of a motion by the City Council; and
- C. By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be affected by said amendment.

### SECTION 11-3 CONTENTS OF APPLICATION

Applications for amendments to this Ordinance shall be filed with the City Clerk and contain at least the following information:

- A. Name, address, and phone number of the applicant and/or representative;
- B. Proposed amending Ordinance, approved as to form by the City Council;
- C. Proposed land use; and
- D. A statement of how the amendment relates to the Comprehensive Plan, availability of public facilities, and compatibility with the surrounding area.



#### **SECTION 11-4 DETERMINATION OF APPROPRIATE CLASSIFICATION**

Requests for a determination as to the appropriate classification of any new or unlisted form of land use shall be made particularly with respect to its visual attributes and its impacts upon adjacent properties (the latter determined with regard to the allowed uses on adjacent properties as follows):

- A. The City Clerk shall make a determination whether the requested use is similar to or a lesser form of an allowed or conditional use.
- B. If an affirmative determination is made, all standards, hearing requirements and other provisions of this Ordinance or any other applicable ordinances shall be met.
- C. If it is determined that the request is a dissimilar use, the City Clerk shall refer the question to the Planning and Zoning Commission requesting an interpretation of the use. The referral of the use interpretation question shall be accompanied by a statement of facts provided by the Applicant, listing the nature of the use.
- D. The Commission shall consider the nature and described performance of the proposed use and its compatibility with allowed and conditional uses.
- E. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the appropriate classification of the proposed use.
- F. The City Council shall consider the recommendations of the Commission and amend the Ordinance as described below.

#### **SECTION 11-5 ZONING AMENDMENT PROCEDURE**

- A. Requests for an amendment to the Zoning Ordinance shall be submitted to the Commission, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.
- B. If the request is in accordance with the adopted Comprehensive Plan, the Commission may recommend that the City Council adopt or reject the requested amendment under the notice and hearing procedures as herein provided.
- C. If the request is found to not be in accordance with the Comprehensive Plan, the Commission shall recommend that the City Council reject the requested amendment.
- D. Requests for an amendment to the Zoning Ordinance shall then be submitted to the City Council, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.

- E. If the request is in accordance with the adopted Comprehensive Plan, the City Council may adopt or reject the requested amendment under the notice and hearing procedures as provided by state statute.
- F. If the request is found to not be in accordance with the Comprehensive Plan, the City Council shall reject the requested amendment.

#### **SECTION 11-6 ACTION BY COMMISSION**

The Commission shall hold a public hearing and make recommendations to the City Council on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

- A. Zoning Ordinance Amendment: Not more than sixty (60) days following the filing of the application, the Commission, prior to recommending a Zoning Ordinance Amendment that is in accordance with the Comprehensive Plan to the City Council shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Procedures for public hearings outlined in Chapter 10, Administration.
- B. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards its recommendation to the City Council.

#### **SECTION 11-7 ACTION BY CITY COUNCIL**

The City Council, prior to adopting, revising or rejecting the amendments to the Zoning Ordinance as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the hearing, if the City Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the City Council adopts the amendment.

The City Council shall accept the recommendation of the Commission unless rejected by a majority vote of the members.

Upon granting or denying an application to amend the Zoning Ordinance, the City Council shall specify:

- A. The Ordinance and standards used in evaluating the application.
- B. The reasons for approval or denial.

## Chapter 12

### SUBDIVISIONS

Section 12-1	Subdivision Approval Required
Section 12-2	Pre-Application
Section 12-3	Preliminary Plat
Section 12-4	Final Plat

#### SECTION 12-1 SUBDIVISION APPROVAL REQUIRED

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the City Clerk on forms provided by the City. No final plat shall be filed with the County Recorder until such plat is approved by the health authority as to water and sewer systems. No final plat shall be filed with the County Recorder or improvements made on the property until the plat has been acted upon by the Planning and Zoning Commission as approved by Council. No lots shall be sold until the plat has been recorded in the office of the County Recorder.

#### SECTION 12-2 PRE-APPLICATION

- A. Application: The subdivider shall submit a pre-application to enable the Planning and Zoning Commission to review and comment on the proposed subdivision. The pre-application shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form and include the following:
1. The general layout and approximate dimensions of streets, blocks and lots in sketch form;
  2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site;
  3. The areas set aside for schools, parks, additional green space, and other public facilities.
  4. A brief written description of the proposed subdivision.
- B. Fee: None required.
- C. Planning and Zoning Commission Action: The Planning and Zoning Commission shall notify the subdivider within thirty (30) days from the date of receiving an acceptable pre-application as to the general conformance or nonconformance of the proposal with this ordinance, and shall provide the necessary forms and check lists, as well as the additional following considerations:

1. Compliance of the proposed development with existing local or State policies, goals, and objectives or comprehensive plans;
2. Determination if additional special permits or ordinance conflicts, such as rezone, special development permit, or variance are needed and the manner of coordinating such permits;
3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated as areas of critical environmental concern, unique plant or animal life, and flood plains;
4. Consideration of other local and State agencies that the subdivider should contact before preparing a preliminary plat.

### **SECTION 12-3 PRELIMINARY PLAT**

- A. Application: The subdivider shall file with the City Clerk a complete subdivision application form and preliminary plat date as required in this ordinance.
- B. Content of Preliminary Plat: The contents of the preliminary plat and related information shall be in such a form as stipulated by the Commission; however, additional maps or data as deemed necessary the City Clerk may also be required.

The subdivider shall submit to the City Clerk at least the following:

1. Six (6) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each of the preliminary plats shall be on good quality paper, shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the drafting date and a north arrow.
  2. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, cemetery, mobile home, large-scale development, hazardous and unique areas of development.
- C. Requirement of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately together with any other pertinent information requested by the C:
    1. The name of the proposed subdivision, which does not duplicate the name of any other subdivision in Latah County.
    2. The names, addresses, and telephone numbers of the subdividers, the engineer or surveyor who prepared the plat, and any other professional persons involved in the subdivision.

3. The names and addresses of all surrounding property owners both adjacent to and beyond any public thoroughfares from the subject property on record in the County Assessor's office.
4. The legal description of the subdivision by section, township, and range.
5. A statement of the intended use of the proposed subdivision, such as: residential single family, two-family and multiple housing, commercial, industrial, recreational or agricultural and showing of any sites proposed for parks, playgrounds, schools, churches, or other public uses.
6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
7. A vicinity map showing the relationship of the proposed plat to the surrounding area (covering at least a four [4] square mile area).
8. The land use and existing zoning of the proposed subdivision and the adjacent land.
9. Existing streets, street names, rights of way and roadway widths, including adjoining streets or roadways, along with type of surface and the existence of any curb-gutter and/or sidewalks.
10. Approximate location and length of the boundary lines of each lot, parcel or site and the proposed lot and block numbers. Approximate acreage enclosed by subdivision.
11. Contour lines, shown at five foot (5') intervals where land slope is greater than twenty percent (20%) and at two foot (2') intervals where land slope is twenty percent (20%) or less, referenced to an established bench mark of Table 2-B-2, including its location and elevation.
12. A site report as required by the appropriate health district where individual wells or septic tanks are proposed.
13. Location, size, and direction of flow of all existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainage, bridges, culverts, water mains, fire hydrants, gas lines, power, telephone and street lights. If utilities are not on or adjacent to the property, indicate direction and distance to nearest ones that can serve the subdivision as well as the layout plan of utilities as stipulated in the subdivision design standards.
14. A copy of any proposed restrictive covenants and/or deed restrictions.
15. Any dedications to the public and/or easements both public and private, together with a statement of location, dimensions, and purpose of such on both, the subject property and surrounding properties.

16. Any additional required information for special developments as specified in this ordinance.
  17. A statement as to whether or not any variance will be requested with respect to any provision of this ordinance, describing the particular provision, the variance requested, and the reasons therefore. See Chapter 4.
  18. Location, right-of-way width and name of all public or private traffic ways, the location, right-of-way width and use of any proposed public or private pedestrian ways or special ways, and a statement of intended improvements to be made thereto.
  19. A statement as to what improvements will be made to existing utilities and what other on-site improvements will be made.
  20. Approximate lot, corner and easement locations of all adjacent subdivisions.
  21. Approximate location, size, and direction of flow of all drainage, irrigation, sewer, and waterline improvements that will be part of the subdivision development.
- D. Fees: A fee for processing and checking a preliminary plat shall be due at the time upon submittal of the preliminary plat to the City Clerk. The amount of the fee shall be established by resolution of the Council.
- E. City Clerk Review:
1. Certification: Upon receipt of the preliminary plat, and all other required data as provided herein, the City Clerk shall certify the application as complete and shall affix the date of application acceptance thereon. Consideration of the application will be part of the agenda for the next regular meeting of the Commission. The subdivider shall deliver six (6) copies of the preliminary plat to the Commission at least fifteen (15) days prior to the meeting.
  2. Review by other agencies: The City Clerk and/or Planning and Zoning Commission shall refer the preliminary plat and application to as many agencies as deemed necessary. Such agencies may include the following:
    - a. Other governing bodies having joint jurisdiction;
    - b. The appropriate utility companies, irrigation companies or districts and drainage districts;
    - c. The Superintendent of the School District;
    - d. Other agencies having an interest in the proposed subdivision.

3. Notification to Property Owners: The City Clerk will notify the owners of all property adjoining the proposed subdivision following the procedure outlined in Chapter 10, Administration.

F. Commission Action:

1. The Commission shall review the preliminary plat, comments from the concerned persons and agencies-to arrive at a decision on the preliminary plat.
2. Commission's findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this ordinance and at least the following:
  - a. The conformance of the subdivision with the comprehensive plan;
  - b. The availability of public services to accommodate the proposed development;
  - c. The continuity of the proposed development with the capital improvement program.
  - d. The public financial capability of supporting services for the proposed development;
  - e. The health, safety, or environmental problems that may be brought to the Commission's attention.
3. Action on Preliminary Plat: The Commission may approve, conditionally approve, disapprove or table for additional information when acting on the preliminary plat. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action, and the reasons for such action, shall be stated in writing by the Planning and Zoning Commission-and forwarded to the Applicant. The Planning and Zoning Commission shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for its information and record. Upon granting or denying a preliminary plat the Commission shall specify:
  - a. The regulations and standards used in evaluating the application;
  - b. The reasons for approval or denial;
  - c. The actions, if any, that the applicant could take to obtain plat approval.

G. Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application by the City Clerk within one year after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the Commission.

2. In the event that the subdivision development of the preliminary plat is to proceed in successive, contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one year may be considered for final approval without resubmission for preliminary plat approval.

#### **SECTION 12-4 FINAL PLAT**

- A. Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the City Clerk three (3) copies of the final plat.
- B. Content of the final plat: The final plat shall include and be in compliance with all items required under Title 40, Chapter 13 of the Idaho Code and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen inch by twenty four inch (18"x24") drawing paper, with no part of the drawing nearer to the edge than one inch (1"). The reverse of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certifications, and other information. If, because of the size or complexity, required information cannot be shown, additional sheets may be used provided they conform to this Chapter. The final plat shall include at least the following:
  1. A written application for approval of such final plat as stipulated by the Commission.
  2. Proof of current ownership of the real property included in the proposed final plat.
  3. Such other information as the City Clerk or Commission may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
  4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
  5. Conformance with all requirements and provisions of this ordinance.
  6. Acceptable engineering practices and local standards established by the City Council.
- C. Fees: At the time of submission of an application for a final plat, a fee as established by resolution of the Council shall be paid.
- D. Planning & Zoning Review:
  1. Acceptance: Upon receipt of the final plat and compliance with all the requirements as provided for herein, the Planning and Zoning Commission shall certify the application as complete and shall affix the date of acceptance thereon.



2. Resubmittal of final plat: The Planning and Zoning Commission shall review the final plat for compliance with the approved or conditionally approved preliminary plat.
  3. Submission to the Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Planning and Zoning Commission shall place the final plat on the council agenda at the next regular meeting.
- E. Agency review: The City Clerk may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and the agencies as he/she deems necessary to insure compliance with preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standard of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.
- F. Council Action: The Council shall consider the Commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The Council shall approve, approve conditionally, disapprove, or table the final plat for additional information. A copy of the approved plat shall be filed with the City Clerk. Upon granting or denying the final plat the Council shall specify:
1. The regulations and standards used in evaluating the application;
  2. The reasons for approval or denial;
  3. The actions, if any that the applicant could take to obtain approval.
- G. Plans and specifications: Prior to recording the final subdivision plat, the subdivider shall submit to the City Clerk checked copies of the final plans and specifications for streets, water, sewer, a master utility plan, and other public improvements to be constructed.

All plans and specifications shall have sufficient detail, written information, vertical and horizontal dimensions to accurately locate the proposed improvements in the field and determine their relationship to other improvements. Standards shall be established by the Planning and Zoning Commission.

- H. Fees: At the time of submittal of plans and specifications a fee to defray costs and expenses of plan checking as provided for by resolution of the City Council shall be paid.

## **Chapter 13**

### **PLANNED UNIT DEVELOPMENT (PUD) OPTION**

Section 13-1	Definition and Intent
Section 13-2	Conflicting Provisions
Section 13-3	Uses permitted
Section 13-4	Common Open Space
Section 13-5	Increased Residential Density
Section 13-6	Commercial/Industrial Uses
Section 13-7	Pre-application Meeting
Section 13-8	PUD Application
Section 13-9	PUD Review
Section 13-10	PUD Plan – Planning and Zoning Commission Action
Section 13-11	PUD Plan – Final Approval
Section 13-12	Final PUD Plan – Planning and Zoning Commission Action
Section 13-13	Post-Review Meeting
Section 13-14	Extension of Approval
Section 13-15	Minor Modifications and Extensions Approval

#### **SECTION 13-1 DEFINITION AND INTENT**

Planned Unit Development (PUD) is a process that provides greater design flexibility by allowing deviations from the typical development standards required by the Zoning Ordinance. The intent is to encourage more comprehensively and/or innovatively designed projects than can sometimes be accomplished through the standard development requirements, in exchange for providing greater benefits to the community. The goal is to provide increased benefits to the citizens of the City of Potlatch in exchange for flexibility in the application of development standards.

#### **SECTION 13-2 CONFLICTING PROVISIONS**

Whenever there is a conflict or difference between the provisions of this chapter and of other chapters of this title, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the applicable provisions found elsewhere in this title.

#### **SECTION 13-3 USES PERMITTED**

A variety of residential, commercial, industrial, or combinations of these land uses may be permitted within a PUD. All proposed uses may be permitted within a PUD, upon finding by the Planning and Zoning Commission that the proposal:

- A. provides public benefits that would not be achievable through the normally required zoning standards,
- B. is compatible with surrounding development, and
- C. is in conformance with the City of Potlatch Comprehensive Plan.

#### **SECTION 13-4 COMMON OPEN SPACE**

- A. A minimum of 10% of the land area developed within any PUD that includes residential uses shall be planned for common open space for the residents or users of the area being developed. Location of the common open space shall be determined during the PUD process.
- B. The common open space provided in a PUD shall be held privately for the use of owners or residents within the development, or shall be dedicated to the public. Public utility rights of ways and easements are not acceptable for common open space unless such land or rights-of-way are usable for a trail or other similar public purpose. All open space shall be reviewed and approved by the Planning and Zoning Commission.
- C. The responsibility for the maintenance of all open spaces shall be specified by the developer prior to approval of the final development plan and included in a development agreement.

#### **SECTION 13-5 INCREASED RESIDENTIAL DENSITY**

The Planning and Zoning Commission may authorize an increase in density based on the merits of the design proposed. Character, identity, architectural, and siting variation incorporated in a development may be considered cause for density increases.

#### **SECTION 13-6 COMMERCIAL/INDUSTRIAL USES**

The plan for the PUD project shall provide for the integrated and harmonious design of buildings. This shall include adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient. Buffering or screening commercial/industrial uses from residential uses within, or adjacent to, the development shall be incorporated into the design. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

### **SECTION 13-7 PRE-APPLICATION MEETING**

The developer shall meet with the City Planning and Zoning Commission prior to the submission of the PUD development plan. The purpose of this meeting is to discuss, early and informally, the criteria and standards contained herein, and to familiarize the developer with the comprehensive plan, zoning ordinance, subdivision ordinance, and such other plans and ordinances as are deemed appropriate.

### **SECTION 13-8 PUD APPLICATION**

A complete application for PUD shall be filed with the Planning and Zoning Commission. At least one public hearing shall be held before the Planning and Zoning Commission following the requirements in Chapter 10.

### **Section 13-9 PUD REVIEW**

- A. The Planning and Zoning Commission shall review the development plan within sixty (60) days after a complete application has been filed, to determine if it is consistent with the intent and purpose of this chapter; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.
- B. The application shall contain the following information for PUD's submitted as the following:
  - 1. **PUD Submitted As A Subdivision.** A written statement by the developer setting forth the reasons why, in his/her opinion, the PUD conforms to the Comprehensive Plan and would be in the public interest. This statement should also include the following information:
    - a. What development requirements are being requested to be exempted from City ordinances.
    - b. An analysis of the impact of the PUD on the infrastructure of the community. This shall include deficiencies in existing infrastructure, including water, sewer, traffic, and what improvements would be needed to bring the infrastructure up to an acceptable level of service that could accommodate the PUD.
    - c. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes.
    - d. Tabulation of the number of acres in the proposed project for various uses.

- e. The number of housing units proposed by type.
- f. Estimated residential population by type of housing.
- g. Deed restrictions, protective covenants and other legal statements or devices to be used to control use. Development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

**2. PUD Submitted Without A Subdivision**

- a. Requirements listed in Chapter 5 (Site Plan Review Application).
- b. A written statement by the developer setting forth the reasons why, in his/her opinion, the PUD conforms to the Comprehensive Plan and would be in the public interest. This statement should also include the following information:
  - i. What deviations from zoning district regulations are being requested.
  - ii. An analysis of the impact of the PUD on the infrastructure of the community. This shall include deficiencies in existing infrastructure, including water, sewer, traffic, and what improvements would be needed to bring the infrastructure up to an acceptable level of service that could accommodate the PUD.
  - iii. A time schedule for the development of units to be constructed, and a description of the design principles for buildings and streetscapes.
  - iv. Tabulation of the number of acres in the proposed project for various uses.
  - v. The number of units proposed by type.
  - vi. Deed restrictions, protective covenants and other legal statements or devices to be used to control use. Development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

**SECTION 13-10 PUD PLAN – PLANNING AND ZONING COMMISSION ACTION**

A. Within 30 days of the closing of a public hearing, or at the next available regularly scheduled Planning and Zoning Commission meeting thereafter, the Planning and Zoning Commission shall either recommend approval, approval with supplementary conditions, or disapproval of the application as presented. This time period may be extended for up to 90 days with consent of the applicant, or for good cause. Upon recommending approval or denial of the application the Planning and Zoning Commission shall specify in writing:

- 1. The ordinance and standards used in evaluating the application.

2. The reasons for approval or denial.
3. The actions, if any, that the applicant could take to obtain a permit.
4. The Planning and Zoning Commission shall consider the general standards applicable to Conditional Use Permits and criteria for Conditional Uses before approving in principle a PUD development plan.

**SECTION 13-11 PUD PLAN – FINAL APPROVAL**

- A. Upon approval of findings and conclusions, the Planning and Zoning Commission, when applied for, may review the final PUD at the next available meeting.
- B. An application for final approval of the PUD development plan may be filed with the Planning and Zoning Commission by at least one property owner or person having an interest in the property. The application shall be signed by the owner of the property attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval.

**SECTION 13-12 FINAL PUD PLAN – PLANNING AND ZONING COMMISSION ACTION**

The Planning and Zoning Commission shall consider the following when reviewing a final PUD development plan.

- A. The proposed development must be initiated within two (2) years of the date of approval.
- B. Each individual phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of pleasing aesthetics (reference DEQ standards as noted in Chapter 12) or that adequate assurance will be provided that such objective will be attained.
- C. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the City Council.
- D. The existing and proposed utility services are adequate for the population densities and uses proposed.
- E. There are no substantial changes from the approved PUD plan.

The Planning and Zoning Commission shall either approve, approve with conditions, or disapprove the final PUD application as presented. Upon granting or denying the final PUD application the Planning and Zoning Commission shall specify in writing:

1. The ordinance and standards used in evaluating the application.
2. The reasons for approval or denial.
3. The actions, if any, that the applicant could take to obtain a permit.

### **SECTION 13-13 POST-REVIEW MEETING**

If approved, or approved with conditions, the applicant shall schedule a post-review meeting with the Planning and Zoning Commission, to discuss final implementation of the PUD, including any minor change requests or conditions of approval. No construction of any kind shall take place on the site of an approved PUD until final construction plans are reviewed and approved by the City Engineer, and a Development Agreement and a Construction Improvement Agreement are completed and properly approved by the City.

### **SECTION 13-14 EXTENSION OF APPROVAL**

The approval of a final development plan for a PUD shall be for a period not to exceed two (2) years, or as agreed upon between staff and the developer, to allow for the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void.

### **SECTION 13-15 MINOR MODIFICATIONS AND EXTENSIONS APPROVAL**

An extension of the time limit or modification of the approved final development plan shall be submitted in writing by the developer to the Planning and Zoning Commission. The request shall specify which modifications are proposed and why the changes are necessary. The Planning and Zoning Commission, shall render a decision on the requested time limit or modification. Any major modification shall require a public hearing in front of the Planning and Zoning Commission. Notice of hearing shall be provided in the same manner as the original PUD hearing. Any time extension over nine (9) months shall require a public hearing in front of the Planning and Zoning Commission. Notice of hearing shall be provided in the same manner as the original PUD hearing.

## Chapter 14

### DEFINITIONS OF TERMS

Except as defined hereafter, any terms not defined herein shall be given the meaning ordinarily applied when such words are used in zoning terminology.

Accessory Structure: A subordinate structure incidental to the main use or principal building of a property and which is located on the same lot or tract as the main structure but does not include any building containing a dwelling unit as hereinafter defined.

Accessory Use: A use incidental and subordinate to the principal use of the same premise.

Accessory Dwelling Unit: An additional dwelling unit that is subordinate and incidental to the main residential use. Accessory Dwelling Units are not used as rental apartments. Examples would include a guest house and a detached “Mother-in-Law Apartment”.

City Clerk: The term City Clerk shall mean an official of the City of Potlatch, who is authorized to serve by the City Council.

Agricultural Building: Any building designed and constructed to be used for agricultural purposes, which is not intended for human habitation (including pump houses, barns, tool sheds, storage buildings, etc.).

Agricultural Uses: Farming, dairying, pasturage, cultivation, tillage, horticulture, floriculture, silviculture, viticulture, vermiculture, animal, poultry, and fish husbandry, as the principal land use and the necessary accessory uses for packing, treating, or storing the produce. Agricultural uses shall not include commercial riding stables, racetracks, slaughterhouses, plants, factories, works for the reduction of animal matter, or commercial poultry, kennels, or feed lots.

Airport: Any runway, land area or other facility designed for the accommodation, servicing, landing, and take-off of aircraft.

Animal Hospital: Any building or portion thereof designated for the care or treatment of cats, dogs, or other animals.

Applicant: Any person initiating an application for subdividing or development of land for the building or modification of any improvement on land. The applicant need not be the owner of the property; however he/she shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

Application: The forms and information required, to be filed by the applicant for any permit or variance or appeal under this Ordinance.



Area of Impact: An area mutually agreed upon, including boundaries and Ordinances between the city and county as provided for in Idaho Code 67-6526.

Bar/Lounge/Tavern: A building where alcoholic beverages are sold on the premises not including restaurants where the principle business is serving food.

Bed and Breakfast: A residence used for the lodging of paying guests. 1-4 guest rooms are an allowed use; 5 or more guest rooms require a conditional use permit.

Building: Any structure which is designated or intended for the shelter, enclosure or protection of persons, animals, or property of any kind.

Bulk Plant: An establishment where liquids are received by tank, vessel, pipe lines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle or container.

Candela (cd): Unit of luminous intensity. One candela is one lumen per steradian. Formally called the candle.

Candlepower: Luminous intensity expressed in candelas.

Church: Any structure or property, which is owned by any religious organization, which is qualified as an organization exempt from income tax.

Civic Uses: Of or relating to a citizen, citizenship or civil affairs; of or relating to or involving the general public and community and their activities, needs or ways or civic affairs.

Clinic: A building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for outpatients only.

Cluster Development: A subdivision or other development planned and constructed so as to group structures or lots into relatively concentrated and contiguous areas while providing a unified network of open space, wooded area, recreational, or agricultural land.

Commercial Use: A use other than agriculture which involves the sale of products or services for profit or compensation

Commission: The City of Potlatch Planning and Zoning Commission. (Idaho Code 67-6504)

Comprehensive Plan: A compilation of goals, policies, maps and other data guiding the physical, social and economic development, both public and private, of the City of Potlatch and its environs, as defined in the Idaho Local Planning Act of 1975.

Conditional Use: Any use as defined by this Ordinance which, because of its potential incompatibility with adjacent or traditional uses, is subject to restrictions, limitations and conditions specified herein. Also known as a Special Use Permit.

Council: The City of Potlatch City Council.

Cutoff fixture: A light fixture that provides a cutoff (shielding) of the emitted light.

Daycare: The provision of supplemental care and supervision for a non-related child or children, on a regular basis, for less than 24 hours a day. The term is not intended to include baby-sitting services of a casual, non-recurring nature.

Density: A unit of measurement, which specifies the number of dwelling units per acre of land.

Development: Any grading, vegetation removal, construction activity, or any other activity, excluding maintenance, which changes the existing character or use of the land or has any impact on adjoining properties.

Drive-In Establishment: An establishment, other than an automobile service station, that is designed to accommodate the motor vehicles or patrons in such a manner as to permit the occupants of such vehicles, while remaining in the vehicle, to make purchases or receive services.

Dwelling: A building, or portion thereof, containing one or more dwelling units. The term, dwelling, does not include any recreational vehicle, hotel or motel as defined herein.

Dwelling, One-Family: A detached building containing one (1) dwelling unit designed for and occupied exclusively by one (1) family. For purposes of this Ordinance the classification of Dwelling, One-Family, shall include group homes, mobile homes and manufactured homes as herein defined.

Dwelling, Two-Family: A building containing two (2) dwelling units for two (2) families living independently of each other including duplexes, and semi-detached housing.

Dwelling, Multiple-Family: A building containing at least three (3) dwelling units for three (3) or more families living independently of each other.

Family: An individual or two (2) or more individuals related by blood, marriage, legal adoption or guardianship, or a group of four (4) or fewer persons who are unrelated and reside together using common cooking facilities.

Family Food Production: The keeping of domestic animals and fowl for the production of food for the use of the family occupying the premises.

Feedlot, Commercial: An area where livestock is contained for the purpose of resale or slaughter at an average monthly confined animal density exceeding two (2) animal units per acre and using a primary feed supply other than grazing, excluding family food production or incidental sale.

Full-cutoff fixture: a lighting fixture unit where zero luminosity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the light fixture. This kind of light fixture emits no light above the horizontal.

Functional Open Space: Land within a development which is permanently reserved as open space, free from permanent structures, useful for recreational or social use by the residents of the development, or others; such space shall not include streets, roadways, or parking areas.

Greenhouse, Commercial: An establishment where flowers, shrubbery, vegetables, trees and other horticulture products are grown in the open and/or in an enclosed building for sale to the general public on a retail basis.

Greenhouse, Wholesale: An establishment where flowers, shrubbery, vegetables, trees and other horticulture products are grown in the open and/or in an enclosed building for sale on a wholesale basis, with retail sales on premises to be on an occasional and incidental basis.

Group Home: Residential shelter care facilities for mentally retarded, physically handicapped and elderly citizens. Group homes for eight or fewer people are considered Single-family dwellings for purposes of land use ordinances.

Halfway House: A type of housing for persons convicted of non-violent crimes that are in the latter stages of serving a sentence and are being transitioned back into free society.

Health Authority: Means the Central District Health Department (Region IV), the Idaho, Department of Labor and Industrial Services, Plumbing Division and the Idaho Division of Environmental Quality.

Height, Building: The maximum distance possible, measured vertically, from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the decline of mansard roofs and top of building walls for gable, hip and gambrel roofs.

Holding Facility: Any building used for the purpose of housing persons under the custody of any City, county, or the Idaho State Board of Corrections as a prisoner for the violation of a criminal offense for a period not to exceed seventy-two (72) hours.

Home Occupations: Any gainful commercial operation, profession or craft, which is customarily incidental to or carried on entirely within in a dwelling place, and wherein the use is clearly incidental and secondary to the use of the structure for dwelling purposes. Not more than fifty percent (50%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

Hospital: The term Hospital, shall mean an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured

persons, and licensed by the State of Idaho to provide facilities and services in surgery, obstetrics, and general medical practices.

Hotel/Motel: The word Hotel or Motel shall mean a building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

Industrial Use: Any manufacturing processing, testing, energy production, storing, assembling, testing and similar uses, which generally generate by-products of noise, smoke, odor, glare, gas, vibration, dust, or light. It does not refer to the growing of agricultural crops, or the raising of livestock.

Junkyard: An outdoor space where waste, discarded, or salvaged materials including inoperative automobiles are bought, sold, exchanged, baled, packed, disassembled, stored or handled. Junkyard also includes house wrecking and structural steel materials and equipment, but does not include such places where such uses are conducted entirely within a completely enclosed building such as pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment or for used cars in operable condition, or salvaged materials, which are incidental to manufacturing operations.

Kennel, Commercial: The commercial boarding, caring or breeding of four (4) or more dogs, cats and other household domestic animals in return for compensation or kept for sale. The sale of two or less litters of pets per year per animal shall not be deemed commercial.

Light Trespass: Light falling where it is not wanted or needed. Spill light. Obtrusive light.

Livestock: Hoofed domesticated animals, poultry, rabbits and fur bearing animals.

Lot: A parcel, plot, tract, or other land area of suitable size as required in these regulations and created by subdivision for sale, transfer or lease.

Lot Area: The total area of a lot measured on a horizontal plane within the boundary lines exclusive of public and private roads, and access easements to other property.

Lot Coverage: The percentage of the lot area covered by buildings and pavement.

Lumber Mill, Permanent: The site, equipment, and buildings necessary to saw, plane, or mill tree logs into posts, poles, building logs, lumber, dimensional lumber or similar products.

Lumber Mill, Portable: A temporary enterprise where logs are cut and milled on the same site.

Manufactured Home: A factory built structure constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, and as amended, which became effective June 15, 1976. A manufactured home:

1. Is transportable in one (1) or more sections, which in the traveling mode, is eight (8) feet or more in width or is forty (40) feet or more in length.

2. When erected on site is three hundred twenty (320) or more square feet.
3. Is built on a permanent chassis, however, it does not have permanently attached to its body or frame any wheels or axles, and, it is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site.
4. Is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities.
5. Has a pitched roof with a minimum pitch of 2:12 (two inches of rise to twelve inches of run).

Mobile Home: A transportable, factory-built residential dwelling, which was constructed prior to enactment of the National Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976 or has been rehabilitated according to standards, set by Idaho Code.

Manufactured/Mobile Home Park: Any area, tract, plot or parcel of land developed as a Planned unit development (PUD) and designed primarily for placement of manufactured/mobile homes located and maintained for dwelling purposes on a permanent or semi-permanent basis.

Mineral Extraction: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any natural mineral resource.

Modular Building: Any building or building component, other than a manufactured home, and is either entirely or substantially prefabricated or assembled at a place other than the building site. Modular homes are subject to the same standards as site-built homes. Modular buildings are not required to comply with the National Manufactured Home Construction and Safety Standards Act of 1974.

Nadir: The point directly below the observer or object (such as a light fixture) being discussed.

Non-conforming Building: A building or structure or portion thereof lawfully existing or being lawfully constructed prior to March 1997 when the first Zoning and Development Ordinance was passed, which was designed, erected or structurally altered for a use, or to dimensional standards that do not conform to the requirements for structures and/or uses as outlined by this Ordinance.

Nonconforming Lot: A lot of record which was lawfully existing prior to March 1997 when the first Zoning and Development Ordinance was passed, but which, because of the application of this Ordinance to it, no longer conforms to lot area or width requirements prescribed in this Ordinance.

Nonconforming Use: A use which was lawfully established and maintained prior to March 1997 when the first Zoning and Development Ordinance was passed, but which, because of the application of this Ordinance to it, no longer conforms to the use regulations.

Open Space: Any part of a lot unobstructed from the ground upward.

Original Parcel: An original parcel of land is hereby defined as a lot or tract as recorded on any plat of record on file in the office of the Latah County Recorder, or any unplatted contiguous parcel of land held in one ownership and of record on December 27, 1978.

Permanent Foundation: Concrete or timbered structure that complies with the Building Code, is not easily moveable and the primary purpose is support of a structure or sign.

Plat: The drawing, map or plan of a subdivision, cemetery, town site or other tract of land, into lots, blocks, and roads in accordance with Title 50 Chapter 13, Idaho Code.

Principal Use: The term, Principal Use, shall mean the specific purpose for which a lot is arranged, intended, designed, occupied or maintained.

Recreational Vehicle: A licensed vehicle (8 by 40) eight foot by forty foot, or less, wherein people reside on a temporary basis which is incidental to their principle residence.

Recreational Vehicle Park: A parcel of land which has been planned and improved or which is rented or used for the placement of two (2) or more transient recreational vehicles. Recreational vehicle parks are for temporary living quarters and not permanent housing.

Restaurant: The word Restaurant shall mean any land, building or part thereof, other than a boarding house or bed and breakfast, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunch room, and dining room.

Right-of-Way: A strip of land dedicated or reserved for use as a public street, crosswalk, railroad, road electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special uses.

Roadside Stand: A temporary or mobile structure designed or used for the display or sale of products or services.

School: An organization specializing in the instruction of students.

Setbacks: The space between every structure and all property lines on the lot on which structures are located, required to be left open and unoccupied by buildings or structures, either by the front, side, or rear yard requirements of this Ordinance, or by delineation on a recorded subdivision map.

Setback Average: The minimum front or rear yard setbacks may be adjusted to conform to the average setback of existing similar buildings on the adjoining four (4) properties (two on each side of the proposed use).

Shall: The word shall, is mandatory.

Signs: ON-PREMISES: Any sign or advertising structure that the message identifies the property on which the sign is located, its owner or tenant, or directs attention to an offer for sale, lease or rent of said property, or warns the public as to danger, or trespassing thereon, or directs the public upon said property, or informs the public as to current or proposed use of the property, or recites the name of the land use, business, proprietor or nature of products or services provided or manufactured upon said property.

OFF-PREMISE OR OUTDOOR ADVERTISING SIGNS: Any sign that directs attention to the use, name, business, commodity, service, entertainment or land use conducted, sold, or offered elsewhere than the sign location.

NONCONFORMING SIGNS: Any sign, sign structure or use of sign existing before enactment of this Ordinance that does not conform to the standards cited by this Ordinance.

Site Plan: A drawing of existing and planned conditions to facilitate review and approval of an application.

Slaughterhouse/Meat, Poultry or Fish Packing: A facility which includes slaughtering, meat canning, curing, smoking, salting, packing, rendering, or freezing of meat products or a facility in which meat products are so processed for sale to the public and where the inspection of meat, meat by-products and meat food products are maintained.

Slope: Refers to an incline from the horizontal plane which is often expressed as percent slope, slope ratio, or gradient. As an example, a fifteen percent (15%) slope is equal to a fifteen (15) foot vertical change within a one hundred (100) foot horizontal distance.

Special Use Permit: See conditional use.

Stray light: Emitted light that falls away from the area where it is needed or wanted. Light trespass.

Structure: Anything constructed or erected, except fences, exceeding three (3) feet in height, which requires permanent location on the ground or is attached to something having permanent location on the ground.

Stable, Riding: A building or structure used or designed for the boarding or care of riding horses for remuneration, hire, or sale.

Straw Processing Plant: The site, equipment and buildings necessary to convert straw into by-products, such as straw board, or to extract by-products from straw.

Through Lot: A lot that has both the front and rear property lines abutting City streets. Lots that do not go “through” have the rear property line abutting either another lot or an alley.

Utilities: All water supply, drainage, sewer, gas, electrical, telephone, television and other communications lines, and related features.

Variance: A grant of relief from certain provisions of this Ordinance when, because of unique, natural site characteristics of a property, compliance would result in undue hardship upon the owner as distinguished from a mere inconvenience or inability to receive greater profit, and which would not be contrary to the public interest (Idaho Code 67-6516).

Vicinity Map: A small scale map showing the location of a tract of land in relation to a larger area.

Wetlands: Those areas that are within the definition of wetlands as defined by the Environmental Protection Agency and within the jurisdiction of the U.S. Army Corps of Engineers.

Wood Processing Plant: The site, equipment and buildings necessary to convert wood into chips or fibers, or fibers into byproducts such as paper, plywood and particle board, or to extract byproducts from wood fibers.

Wrecking Yard: Any use of a site, excluding enclosed buildings, on which three (3) or more motor vehicles not in operating condition are standing more than 30 days, and which vehicles do not carry valid state registrations and license plates.

Zoning Ordinance: The City of Potlatch Zoning and Subdivision Ordinance.



## **Chapter 15**

### **CONCLUDING PROVISIONS**

Section 15-1	Inconsistent Provisions
Section 15-2	Severability
Section 15-3	Effective Date

#### **SECTION 15-1 INCONSISTENT PROVISIONS**

Any provision of any Ordinance or Resolution inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

#### **SECTION 15-2 SEVERABILITY**

If any one or more of the sections, sub-section or any other part of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect.

#### **SECTION 15-3 EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon its passage, approval, and publication according to law.

PASSED by the City Council with a roll call vote and APPROVED by the Mayor this 8<sup>th</sup> day of July, 2002.