

**NEZ PERCE COUNTY  
ORDINANCE 46a**

AN ORDINANCE ESTABLISHING THE ORDERLY DEVELOPMENT OF THE AREA OF CITY IMPACT; ESTABLISHING ZONES; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE SPECIFIED REGULATIONS AND RESTRICTIONS; REPEALING NEZ PERCE COUNTY ORDINANCES NUMBERS 46 AND 47 PURSUANT TO AUTHORITY VESTED IN THE BOARD OF COUNTY COMMISSIONERS OF NEZ PERCE COUNTY, IDAHO, UNDER IDAHO CODE SECTION 31-714.

- SECTION 1.0 IN GENERAL, Subsections 1.1-1.5
- SECTION 2.0 BASIC PROVISIONS, Subsections 2.1-2.7
- SECTION 3.0 USE ZONES, Subsections 3.1-3.42
- SECTION 4.0 MANUFACTURED HOMES, Subsections 4.1-4.21
- SECTION 5.0 SUPPLEMENTARY REGULATIONS, Subsections 5.1-5.9
- SECTION 6.0 EXCEPTIONS, Subsections 6.1 -- 6.4
- SECTION 7.0 CONDITIONAL USES, Subsections 7.1 -- 7.4
- SECTION 8.0 NONCONFORMING USES, Subsections 8.1 -- 8.7
- SECTION 9.0 VARIANCES, Subsections 9.1 -- 9.4
- SECTION 10.0 AMENDMENTS, Subsections 10.1 -- 10.3
- SECTION 11.0 ADMINISTRATIVE PROCEDURE, Subsections 11.1-11.9
- SECTION 12.0 REMEDIES, Subsections 12.1 -- 12.2
- SECTION 13.0 REPEAL OF PRIOR ORDINANCES -- 13.1

**SECTION 1.0: IN GENERAL**

**Section 1.1: Title**

This Ordinance shall be known as the Area of City Impact Zoning Ordinance of the County of Nez Perce.

**Section 1.2: Authority**

This Ordinance is adopted pursuant to the authority conferred by Article 12, Section 2, of the Constitution of the State of Idaho; and by Title 31, Chapters, 6, 7, and 8, and Title 67, Chapter 65 of the Idaho Code.

**Section 1.3: Purpose**

The purpose of this Ordinance is to promote the orderly development of the area of City impact according to a comprehensive plan; to conserve and stabilize the value of property; and otherwise to promote the public health, safety, and general welfare.

**Section 1.4: Jurisdiction**

This Ordinance shall apply to all property located within the designated boundaries of the City of Lewiston, - Nez Perce County, Idaho, Area of City Impact as has been previously or hereinafter adopted by the respective governing bodies for the City of Lewiston and Nez Perce County.

## **Section 1.5: Definitions**

As used in this Ordinance:

Accessory use means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.

Accessory parking area means a common enclosed area set aside for the parking and storage of vehicles and mobile units accessory to everyday life such as homes, travel trailers, pickup campers, boats, motorcycles and other similar items. This term applies only to manufactured home parks which remain under single ownership.

Affected person means one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing development.

Alley means a street which affords only a secondary means of access to property.

Board means Board of Nez Perce County Commissioners.

Building means a structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Official means Planner, Nez Perce County.

Buildable area means the space remaining on a lot after the minimum open space requirements (coverage, yards, setbacks) have been met.

Clear vision area means the triangular area within the intersection of the linear extension of the lateral curb lines, or edges if no curb exists, of two (2) roadways, or a roadway and a railroad, and extending back from the point of intersection along each roadway or railroad a distance of forty (40) feet, except that where the angle of intersection is less than thirty (30) degrees, a greater distance may be required as determined by the Road Department.

Commission means the Planning and Zoning Commission of the City of Lewiston.

Community Development Department means that department of the City of Lewiston, Idaho.

Conditional use means uses permitted by the Planning and Zoning Commission under specific standards and requirements.

County means Nez Perce County, Idaho.

Day care facility means a home, building, place or location where thirteen (13) or more children, including the children or step children of the child care provider, receive child care.

Duplex housing units means a detached or semi-detached building containing two (2) dwelling units.

Dwelling unit means one or more rooms designated for occupancy by one family.

Equipment/construction storage yard means an area used for the storage and maintenance of equipment owned by the business owner, specifically excluding the operation of a commercial repair business.

Family means one or more persons occupying a single dwelling unit; provided, that unless all members are related by blood, marriage, or operation of law, no such family shall contain over five (5) persons.

Family Day Care means a home, building, place or location where six or less children, including the children or step-children of the child care provider, receive child care.

Farming means the raising and harvesting of crops, feeding, breeding and management of livestock; growing and harvesting of timber; dairying; or any other agricultural or horticultural use or any combination thereof. It includes the construction and use of dwellings and other structures customarily provided in conjunction with farming. Standards for keeping of livestock in a zone for which farming is permitted shall be the same as the standards for the keeping of livestock under a conditional use permit.

Feedlot means a concentrated, confined animal or poultry growing operation primarily for the commercial production of meat, milk or eggs, or the stabling in pens or houses where animals are fed at the place of confinement and crop or forage production is not sustained in the area of confinement. It is not the intent of this definition to exclude the keeping and feeding of livestock as private, noncommercial use of land when lot size and area requirements are being complied with.

Floor area means the area included in the surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts, multiplied by the number of stories.

Grade means, at ground level, the average of the landscaped ground level at the center of all walls of the building. If a wall is parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

Group Day Care Facility means a home, building, place or location where more than six (6), but less than thirteen (13) children, including the children or step-children of the child care provider, receive child care.

Height of building, building height means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the average height of the highest gable or a pitch or hip roof.

Home occupation means an activity, profession, or craft, carried on entirely within a residence by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof; is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term; so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate, as permitted; and which does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.

Junkyard-auto wrecking yard means an open area where one or more motor vehicles not in running condition or part thereof are stored or where waste and scrap material are bought, sold, exchanged, stored, baled, packed, disassembled or handled. A junkyard includes an auto wrecking yard but does not include uses established entirely within closed buildings.

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved county road, or on an approved private road, and may consist of:

- (1) A single lot of record;

- (2) A portion of a lot of record;
- (3) A combination of complete lots of records, or complete lots of record and portions of lots of record, or of portions of lots of record;
- (4) A parcel of land described by metes and bounds. Provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

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

Lot, corner means a lot abutting on two (2) or more streets, other than an alley at their intersection.

Lot depth means the average horizontal distance between the front lot line and the rear lot line.

Lot line, front means the property line separating the lot from the street, other than an alley and in the case of a corner lot, means the shortest property line along a street, other than an alley.

Lot line, rear means a property line which is opposite and most distant from the front lot line and in the case of an irregular, triangular, or other shaped lot, means a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot line, side means any property line not a front or rear lot line.

Lot width means the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zone in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. A setback greater than the required front yard setback may be allowed, and the lot width determined at the greater setback if the setback is reflected on a final plat which has been approved by the Board of County Commissioners and is so recorded; providing all required minimum setbacks are met and still provide a buildable area.

Manufactured home means housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. May also be commonly referred to as "mobile home" or "modular home".

Class A manufactured home means a manufactured home meeting the following standards:

- (1) Constructed after June 15, 1975, and certified as meeting the mobile home construction and safety standards of the Department of Housing and Urban Development.
- (2) At least twenty (20) feet wide at the narrowest point.
- (3) Roof pitch shall be not less than two-foot rise for each twelve (12) feet of horizontal run (2:12) and roof shall have minimum six-inch eave or eave gutter.
- (4) Has roofing materials which are generally acceptable for site built housing. Any roofing material may be used provided it has the appearance of a nonmetallic shingle, shake or tile roof.
- (5) Has siding material which has the appearance of wood, masonry or horizontal metal siding. Reflection from horizontal metal siding shall be no greater than that from siding coated with white gloss enamel.
- (6) Has a perimeter foundation that is aesthetically compatible with and has either the appearance of or is actually constructed of brick, concrete, concrete block or pressure-treated wood.
- (7) Hitch or tongue of manufactured home shall be removed.

Class B manufactured home means a manufactured home meeting the mobile home construction and safety standards of the department of housing and urban development but which is at least ten (10) feet wide and forty (40) feet in length.

Manufactured Home Park means a tract of land under unified ownership developed for the purpose of providing rental space for three or more manufactured homes on individual spaces within its confines.

Mini-storage complex means one or more structures on the same site containing several individually accessible storage spaces for rent or lease to persons or businesses.

Modular Homes means a transportable wheelless structure for human habitation, meeting all requirements of the State of Idaho for factory-built housing, and designed to be placed on a permanent foundation and connected to all required utilities.

Multi-family housing means more than one dwelling unit, including manufactured homes, on a single parcel or lot.

Nonconforming structure or use means a lawful existing structure or use at the time this ordinance or any amendment thereto become effective, and not conforming to the requirements of the zone in which it is located.

Nuisance means any use which is injurious to health, or is indecent, or offensive to the senses so as to interfere with the comfortable enjoyment of life or property.

Owner includes an authorized agent of the owner.

Parking space means an enclosed or unenclosed surfaced area of not less than twenty (20) feet by nine (9) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile.

Pasture means an area suitable for the keeping of livestock or poultry, excluding the area of the residential use and any required yard areas as required by the zone classification.

Person means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Personal service use means any use conducted for gain which primarily offers service to the general public such as barber shops, beauty parlors, watch repair, shoe repair, self-service laundry, and dry cleaners and similar activities.

Public use means a structure or use intended or used for a public purpose by a city, a school district, the county, the state, or by any other public agency, or by a public utility.

Recreation area means a parcel of ground having recreational equipment and open space to be used for leisure activities of park residents. This term applies only to manufactured home parks which remain under single ownership.

Recreational Vehicle means a wheel vehicle, either powered or not, intended for leisure and not intended for use as a permanent dwelling.

Riding Academy means an establishment where horses are boarded and cared for and where

instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.

Riding Arena means an enclosed indoor or outdoor area that is used for the purpose of riding horses or other similar animals.

Roadway means that portion of a highway or street improved, designed or ordinarily used for vehicular travel, exclusive of any sidewalk, berm or shoulder.

Semi-public use means a structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other nonprofit organization.

Service station means any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, but excluding body and fender work, engine over hauling, painting, welding, storage of autos not in operating condition or other work involving noise, fumes, glare, or smoke.

Sign means a device designed to inform or to attract the attention of persons not on the premises. The area of a sign is the total of the exposed exterior display surfaces, including flags, pennants and banners.

Small animal hospital, clinic or kennel means a building used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured small animals or pets, not including livestock which are in need of medical or surgical attention, and may include enclosed overnight accommodations on the premises for the treatment, observation or recuperation of small animals or pets. Such premises shall be under the direct supervision and control of a licensed veterinarian, as defined by Chapter 21, Title 54, Idaho Code, as that chapter now exists or may hereafter be amended. Board of small animals or pets may be included as an incidental use.

Stabling of animals means an enclosed area whether indoor or outdoor for the purpose of holding animals other than the property owners animals.

Structural alteration means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

Structure means something constructed or built and having a fixed base on, or fixed connections to, the ground or another structure.

Travel trailer means a trailer house not more than eight (8) feet in width or more than twenty-nine (29) feet in interior length, designed for travel and recreation uses.

Truck terminal means a structure or building used primarily as a temporary destination for a wide variety of rail, truck, or air freight. Freight is then usually transferred to other carriers for local distribution or transportation to other locations. Truck service and maintenance associated with the trucking lines serving the trucking terminal and clearly secondary in nature to the truck terminal is an accessory use.

Tourist facility means a tract of land designed or constructed to accommodate tourists for parking of motor homes, trailers, pickup campers, or any camping equipment for a vacation stay.

Use means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Variance means a modification of the requirements of the zoning ordinance as to lot size, lot coverage, width, depth, yards, setbacks, parking space, height of building or other ordinance provisions affecting the size of lots or the size, shape or placement of structures upon lots.

Veterinary clinic or kennel means a building used for the care, grooming, diagnosis and treatment of sick, ailing, infirm, or injured animals, including household pets and livestock, and those animals which are in need of medical or surgical attention, including overnight accommodations on the premises for treatment, observation or recuperation. Such premises shall be under the direct supervision and control of a licensed veterinarian, as defined by Chapter 21, Title 54, Idaho Code, as that chapter now exists or may hereafter be amended.

Working day, for the purpose of time computation, means any day except a Saturday, Sunday or a day which is a legal holiday under the laws of Idaho.

Yard means an open space on a lot which is unobstructed from the ground upward.

Yard, front means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to a building.

Yard, rear means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to a building.

Yard, side means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to a building.

Zoning certificate means a notation attached to a building permit, occupancy permit or business license, or issued separately by the county planner to certify that a building, structure, use or occupancy specified thereon is in conformity with all the provisions of this Ordinance.

**SECTION 2.0: BASIC PROVISIONS**

**Section 2.1: Compliance with Ordinance Provisions**

A lot may be used and structure or part of a structure constructed, reconstructed, altered, occupied or used only as this Ordinance permits and subject to provisions of Sections 3.0 to 12.0.

**Section 2.2: Maintenance of Minimum Requirements**

No lot dimensions, yards or off-street parking areas existing on or after the effective date of this Ordinance shall be reduced below the minimum requirements of this Ordinance.

**Section 2.3: Interpretation**

Where the conditions imposed by any provision of this Ordinance are less restrictive than comparable conditions imposed by any other provision of this Ordinance or any other applicable regulation, the provision which is more restrictive shall govern.

**Section 2.4: Severability**

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase is ruled by a court to be invalid, the rule shall not affect the validity of the remaining portion of this Ordinance.

**Section 2.5: Classification of Zones**

For the purpose of this Ordinance the following zones are hereby established:

**ZONING**

<u>Designation</u>	Zone Abbreviated
Farm.....	F-1
Agricultural Transitional.....	F-2
Suburban Residential.....	R-1
Light Industrial.....	M-1
Heavy Industrial.....	M-2
Airport.....	AP
Tourist Commercial.....	C-2
Planned Development.....	PD
Port.....	P



**Section 2.6: Zoning Map**

The boundaries of the zone established by this Ordinance are indicated on a map entitled Zoning Map of Nez Perce County, which is hereby adopted by reference and incorporated in this Ordinance as though fully set forth herein. The boundaries may be modified in accordance with zoning map amendments which shall be adopted by reference. A certified print of the adopted map or subsequently amended map shall be maintained in the office of the county clerk as long as this Ordinance remains in effect.

**Section 2.7: Zone Boundaries**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of streets, alleys or railroad rights-of-way, rivers or creeks or such lines extended.

## **SECTION 3.0: USE ZONES**

### **FARM ZONE F-1**

#### **Section 3.1: Uses Permitted Outright**

In an F-1 Zone, the following uses and their accessory uses are permitted outright subject to the provisions of Section 5.0:

- (1) General farming, except feedlots;
- (2) Single-family dwelling;
- (3) Class A or B manufactured home.

#### **Section 3.2: Conditional Uses Permitted**

In an F-1 Zone, the following uses are permitted when authorized in accordance with standards and requirements in Sections 5.0 and 7.0:

- (1) Public use;
- (2) Semipublic use;
- (3) Accessory uses for more than one family;
- (4) Quarrying, of which the outer boundary is not located within 1,000 feet of a dwelling unit other than that of the operator;
- (5) Storage, sales, distribution of fertilizer products;
- (6) Greenhouses and nurseries;
- (7) Day care facility;
- (8) Commercial kennels.

#### **Section 3.3: Lot Size, Yards and Height Buildings**

- (1) Lot size. In an F-1 Zone, the minimum lot size shall be twenty (20) acres.
- (2) Yards. Except as provided in Section 5.0, yards shall be as follows:
  - (a) A front yard shall be a minimum of thirty (30) feet. No accessory buildings shall be constructed in the front yard nor closer than thirty (30) feet to other street frontages;
  - (b) A side yard shall be a minimum of ten (10) feet, except that on a corner lot, the side yard shall be a minimum of fifteen (15) feet.
- (3) Height of buildings. Buildings shall not exceed a height of thirty-five (35) feet, except those used for the storage of farm produce.

## **AGRICULTURAL TRANSITIONAL ZONE - F-2**

### **Section 3.4: Purpose**

This zone is intended to provide a transition zone from agricultural land uses to residential land uses within the "area of city impact" where centralized water and sewer are not available.

### **Section 3.5: Uses Permitted Outright**

In an F-2 Zone, the following uses and their accessory uses are permitted outright subject to the provisions of Section 5.0:

- (1) General farming, except feedlots;
- (2) Single-family dwellings;
- (3) Class A manufactured home.

### **Section 3.6: Conditional Uses Permitted**

The following uses are permitted when authorized in accordance with standards and requirements in Sections 5.0 and 7.0:

- (1) Class B manufactured home;
- (2) Public use;
- (3) Semipublic use;
- (4) Quarrying, of which the outer boundary is not located within one thousand (1,000) feet of a dwelling unit other than that of operator;
- (5) Storage, sales, distribution of fertilizer products;
- (6) Greenhouses and nurseries;
- (7) Equipment/storage yards, including offices and repair shops for the maintenance of equipment under the ownership of the property owner;
- (8) Day care facility;
- (9) Stabling of animals;
- (10) Riding arenas and riding academy;
- (11) Manufactured Home Park subject to Section 4.0;
- (12) Mini-storage units, including exterior storage of recreational equipment and vehicles;
- (13) Commercial kennels.
- (14) Light Industrial uses.
- (15) Sale of farm crops and or/livestock feed not produced on the premises.

### **Section 3.7: Lot Size**

The lot size shall be as follows:

- (1) The minimum lot area shall be 5 acres unless the North Central Health District determines that additional acreage is necessary for sewage disposal system;
- (2) Minimum lot width shall be two hundred (200) feet.

### **Section 3.8: Yards**

Except as provided in Section 5.0, yards shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet;
- (2) A side yard shall be a minimum of ten (10) feet, except that on a corner lot the side yard on the street side shall be a minimum of fifteen (15) feet. If a side yard abuts a private drive of at least twenty (20) feet wide, the side yard may be a minimum of five (5) feet in width;
- (3) A rear yard shall be a minimum of twenty (20) feet.

### **Section 3.9: Height of Buildings**

Buildings shall not exceed a height of thirty-five (35) feet.

### **Section 3.10: Lot Coverage**

Buildings shall not cover more than forty (40) percent of the lot.

## **SUBURBAN RESIDENTIAL ZONE R-1**

### **Section 3.11: Uses Permitted Outright**

An R-1 Zone is one that remains in agricultural or is transitional to suburban residential use. In it the following uses and their accessory uses are permitted outright, subject to the provisions of Section 5.0:

- (1) General farming, except feedlots;
- (2) Single family dwelling;
- (3) Manufactured home park subject to Section 4.0;
- (4) Class A manufactured home.

### **Section 3.12: Conditional Uses Permitted**

In an R-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the standards and requirements in Sections 5.0 and 7.0:

- (1) Public use;
- (2) Semipublic use;
- (3) Keeping of animals as described in Section 7.4(9);
- (4) Day care facility;
- (5) Class B manufactured home;
- (6) Duplex housing units when it can be shown that adequate provisions are made for sewage disposal;
- (7) Multi-family housing when it can be shown that adequate provisions are made for sewage disposal;
- (8) Commercial kennels.

### **Section 3.13: Lot Size**

In an R-1 zone, the lot size shall be as follows:

- (1) For a single family dwelling, the minimum lot area shall be ten thousand (10,000) square feet unless the North Central Health District determines that additional area is required to meet the minimum standards for sewage disposal systems;
- (2) For a duplex or multi-family housing the minimum lot area of ten thousand (10,000) square feet is increased by two thousand five hundred (2,500) square feet for each dwelling unit over one unless the North Central Health District determines that additional area is required to meet the minimum standards for sewage disposal systems.
- (3) Lot width shall be a minimum of seventy-five (75) feet;
- (4) Lot depth shall be a minimum of one hundred ten (110) feet.

### **Section 3.14: Yards**

Except as provided in Section 5.0 yards shall be as follows:

- (1) A front yard shall be a minimum of twenty (20) feet;
- (2) A side yard shall be a minimum of ten (10) feet, except that on a corner lot the side yard on the street side shall be a minimum of fifteen (15) feet. If a side yard abuts a private drive of at least twenty (20) feet wide, the side yard may be a minimum of five (5) feet in width;

- (3) A rear yard shall be a minimum of twenty (20) feet.

**Section 3.15: Lot Coverage**

Buildings shall not cover more than forty (40) percent of the lot.

**Section 3.16: Height of Buildings**

In an R-1 Zone, the buildings shall not exceed a height of thirty-five (35) feet.

**Section 3.17: Signs**

In an R-1 Zone, signs are subject to the following restrictions:

- (1) One name plate or home occupation sign for each dwelling unit. The sign shall not be more than one and one-half (1-1/2) square feet in area, and shall not be illuminated;
- (2) One temporary sign advertising the sale, lease or rental of the property on which it is located. The sign shall not be more than six (6) square feet in area and shall not be illuminated;
- (3) One temporary sign advertising the sale of a tract of land or subdivision of lots in a subdivision. The sign shall not be more than forty-two (42) square feet in area, shall not be illuminated, and shall be set back at least thirty (30) feet from the street;
- (4) A sign identifying a conditional use. The sign shall not be more than ten (10) square feet in area, shall not be illuminated, and shall be set back at least ten (10) feet from the street.

## **LIGHT INDUSTRIAL ZONE M-1**

### **Section 3.18: Uses Permitted Outright**

This zone is intended primarily for light manufacturing, processing, storage, warehousing, distribution and commercial uses subject to stated standards. Regulations are intended to prevent friction between uses in the zone and also to protect nearby residential districts, area or sections. In an M-1 Zone, the following uses and their accessory uses are permitted outright subject to the provisions of Section 5.0:

- (1) Manufacturing, fabricating, processing, repairing, packing or storage, except a use specifically listed as permitted outright or as a conditional use in an M-2 Zone;
- (2) Commercial or industrial laundry;
- (3) Wholesale distribution;
- (4) Boat sales and marina;
- (5) General contracting and storage yard;
- (6) Service station;
- (7) Mini-storage;
- (8) Greenhouses and nursery;
- (9) Veterinary clinic or kennel;
- (10) Tire recapping;
- (11) Truck terminal;
- (12) Auto, mobile home, recreational vehicle, heavy equipment sales and service;
- (13) Retail sales and service;
- (14) Lumber yard, building supply outlet;
- (15) Food Processing Plant.

### **Section 3.19: Conditional Uses Permitted**

In an M-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Section 5.0 and 7.0:

- (1) Grain storage;
- (2) Bulk petroleum storage and distribution facilities;
- (3) Eating and drinking establishment;
- (4) Billboard;
- (5) Quarrying;
- (6) Public/semipublic use;
- (7) Junkyard-Auto wrecking yard.

### **Section 3.20: Limitations on Use**

In an M-1 Zone, the following limitations on use shall apply:

- (1) Any use which creates a nuisance because of noise, smoke, odor, dust, or gas is prohibited.
- (2) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (3) All service, processing, and storage on property abutting or facing a residential zone, area or section, or a through highway shall be wholly within an enclosed building or screened from view from the residential zone, area or section, or a through highway by a permanently maintained, sight-obscuring fence at least eight (8) feet high.

- (4) Access from a public street to properties in an M-1 Zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.
- (5) Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.
- (6) Effluent from permitted uses shall not be returned to the rivers without prior approved treatment or processing to insure compliance with state and federal water pollution control standards and county ordinances.

### **Section 3.21: Yards**

In an M-1 Zone, a side yard or rear yard abutting a residential zone shall be a minimum of twenty-five (25) feet.



## **HEAVY INDUSTRIAL ZONE M-2**

This zone is intended primarily for general manufacturing and closely related uses. Limitations on use for this zone are intended to provide protection principally against effects harmful to other zones.

### **Section 3.22: Uses Permitted Outright**

In an M-2 Zone, the following uses and their accessory uses are permitted outright subject to provisions of Section 5.0:

- (1) A use permitted in M-1 Zone;
- (2) Grain storage;
- (3) Meat packing plant;
- (4) Petroleum products storage or distribution facility;
- (5) Truck terminal;
- (6) Wood processing plant;
- (7) Concrete or concrete products manufacturing;
- (8) Chemical and fertilizer storage and blending of fertilizers.

### **Section 3.23: Conditional Uses Permitted**

In an M-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 5.0 and 7.0:

- (1) Public use;
- (2) Wrecking yard;
- (3) Billboard;
- (4) Heliport;
- (5) Junkyard-Auto wrecking yard;
- (6) Asphalt plant;
- (7) Cement manufacturing;
- (8) Chemical storage and manufacturing, including farm fertilizers;
- (9) Feed lot or stockyard;
- (10) Rendering plant.

### **Section 3.24: Limitations on Use**

In an M-2 Zone, the following limitations on use shall apply:

- (1) Any use which creates a nuisance because of noise, smoke, odor, dust or gas is prohibited;
- (2) Materials shall be stored and grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard;
- (3) All service, processing and storage on property abutting or facing a residential zone, area or section, or a through highway shall be wholly within an enclosed building or screened from view from the residential zone, area or section, or a through highway by a permanently maintained, sight-obscuring fence at least eight (8) feet high.
- (4) Access from a public street to properties in an M-2 Zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.
- (5) Building entrances or other openings adjacent to a residential or commercial zone

shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.

- (6) Effluent from permitted uses cannot be returned to the rivers without prior approved treatment or processing to insure compliance with existing state and federal pollution control standards and county ordinances.

## **AIRPORT ZONE A**

### **Section 3.25: Purpose**

The purpose of the Airport Zone is to provide zoning for uses, buildings, and structures in which airport or aviation related facilities may be installed and used, including taxiway and runways, commercial aviation, terminal buildings, aircraft hangars, air navigation aids, related accessory uses and other uses, structures, and facilities as may be compatible with and useful to the airport.

### **Section 3.26: Uses Permitted Outright**

In an "A" Zone the following uses and their accessory uses are permitted when they are in conformance with the standards and requirements of Section 5.0 of this Ordinance and when they have received written authorization from the Lewiston City Council and Board of Commissioners of Nez Perce County, Idaho, as owners of the Lewiston-Nez Perce County Airport:

- (1) Aviation commercial uses;
- (2) Hangars, public and private;
- (3) Municipal terminal building;
- (4) Navigation aids;
- (5) Parking facilities, public and private;
- (6) Taxiways, runways and aprons;
- (7) Any conditional use hereafter listed when located within the terminal building;
- (8) Agricultural uses;
- (9) Publicly owned recreational facility;
- (10) Public use;
- (11) Light industrial uses, consisting of manufacturing, fabricating, processing, repairing, packing or storage; provided, that site plan improvements, including curb, gutter, landscaping, lot coverage and security fencing be established in conformance with airport improvement planning.

### **Section 3.27: Conditional Uses Permitted**

In an "A" Zone, the following uses and their accessory uses are permitted when they are in conformance with the standards and requirements of Sections 5.0 and 7.0 of this Ordinance and when they have received written authorization of the Lewiston City Council and Board of Commissioners of Nez Perce County, Idaho, as owners of the Lewiston-Nez Perce County Airport:

- (1) Business or professional offices;
- (2) Barber or beauty shop;
- (3) Eating and drinking establishment;
- (4) Industrial park uses;
- (5) Motel or hotel;
- (6) Retail store;
- (7) Service station;
- (8) Privately owned recreational facility.

### **Section 3.28: Height of Buildings**

In an "A" Zone, no building shall exceed a height of forty-five (45) feet or three (3) stories, except a flight control building.

### **Section 3.29: Signs**

In an "A" Zone, signs shall be subject to the following minimum restrictions. The Airport Commission may impose any additional or more restrictive requirements on signs:

- (1) Moving or intermittent flashing signs are prohibited;
- (2) Signs shall not cast light on property in adjacent residential zones;
- (3) Signs shall be wall, ground or roof mounted, lighted or unlighted, and must be approved by the Airport Commission;
- (4) Public signs relating either to the airport or to operations of public facilities in the airport zone shall be permitted when approved by the Airport Commission;
- (5) No signs shall be permitted in the airport zone in violation of any applicable regulation of the Federal Aviation Administration.

### **Section 3.30: Yards**

In an "A" Zone, a yard abutting a residential zone, area or section, shall be a minimum of fifty (50) feet, all of which shall be maintained and landscaped in accordance with an approved landscape plan.

- (1) A yard which abuts a dedicated street shall be a minimum of twenty-five (25) feet.

## **TOURIST COMMERCIAL ZONE C-2**

### **Section 3.31: Purpose**

The purpose of this zone is to encourage the development of facilities for the traveling public and conventions.

### **Section 3.32: Uses Permitted Outright**

In a C-2 Zone, the following uses and their accessory uses are permitted outright subject to the provisions of Sections 5.0:

- (1) Commercial marina;
- (2) Eating or drinking establishment;
- (3) Commercial entertainment facilities;
- (4) Retail/personal;
- (5) Hotel or motel.

### **Section 3.33: Conditional Uses Permitted**

In a C-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with standards and requirements of Sections 5.0 and 7.0:

- (1) Car wash;
- (2) Public/semi-public use;
- (3) Public use service station;
- (4) Other tourist-oriented uses which are not permitted outright but which are consistent with the purpose of the C-2 Zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses.

### **Section 3.34: Development Standards**

In a C-2 Zone, the following development standards shall apply and be in force:

- (1) Maximum height for buildings: None except thirty-five (35) feet when a building on a lot abuts a residential zone;
- (2) Maximum lot coverage: None;
- (3) Minimum lot size: None;
- (4) Minimum front yard: None;
- (5) Minimum side yard: None except fifteen (15) feet when a property abuts a residential zone;
- (6) Minimum rear yard: None except fifteen (15) feet when a property abuts a residential zone;
- (7) Signs: Signs shall be subject to the restrictions of the City of Lewiston sign ordinance and Section 5.9;
- (8) Off-street parking shall be subject to the requirements enumerated in Sections 5.5 through 5.8.

## **PLANNED UNIT DEVELOPMENT ZONE - PD**

### **Section 3.35: Purpose**

The purpose of a Planned Unit Development Zone is to permit and encourage flexibility in land use design and to allow for the development of unusual or irregular sites on the basis of a performance standard rather than rigid standards of a specific zone.

### **Section 3.36: Uses Permitted Outright**

In a Planned Unit Development of "PD" Zone, all uses may be permitted upon authorization by the Lewiston Planning and Zoning Commission and approval by the Board of County Commissioners in accordance with the standards and procedures established hereinafter.

### **Section 3.37: Standards for Development**

Authorization and approval of a Planned Unit Development Zone shall be subject to the following requirements:

- (1) The planned unit development must conform to the comprehensive plan and zoning ordinance of the area of City Impact;
- (2) The proposed development shall be in conformance with general principles of good design as established by the Community Development Director of the City of Lewiston, Idaho;
- (3) Each planned unit development shall be compatible with and in harmony with surrounding land uses;
- (4) Development of each proposed planned unit development shall be completed within a reasonable time period as determined by the Lewiston Planning and Zoning Commission;
- (5) The minimum area for a planned unit development shall be no less than one and one-half (1-1/2) acres, and additional land area may be required by the Planning and Zoning Commission if the Commission determines that the proposed planned unit development cannot be properly implemented on the size of the site being proposed; a manufactured home planned unit development shall be no less than three (3) acres;
- (6) Housing density shall not exceed the density established by the comprehensive plan of the Area of City Impact.

Prior to final approval of each proposed planned unit development by the Board, an agreement shall be executed between the developer and the County to insure that the planned unit development shall conform to the requirements and standards established and approved by the Planning and Zoning Commission and the Board of County Commissioners, and a performance bond may be required of the developer as further assurance that the proposed development shall be completed as approved.

### **Section 3.38: Procedure**

For each proposed planned unit development, the applicant shall submit a specific development plan which shall set forth in detail the specific development plan for the proposed planned unit development. The development plan shall include a plat map, written text and supplementary material. This material shall as a minimum contain the following:

- (1) Land use maps showing the location, type and number of each proposed section and its use, and all streets, parking areas, and drives, including a full statement of

- all dimensions of each item included herein above;
- (2) A grading plan showing how water runoff and utility services shall be accommodated;
  - (3) A showing of the location of each existing and proposed structure, including but not limited to, all fences, light poles, hydrants and other utility facilities;
  - (4) The plat plan showing the subdivision of all land and a statement of all requirements and other provisions for any homeowners' association where applicable and where a homeowners' association is not applicable, a statement of all provisions made for the maintenance of open space, where required, within the development;
  - (5) A landscaping plan showing the conceptual layout of all trees, shrubs and other landscaping features;
  - (6) A written description of all land uses, number of dwelling units, square footage of buildings, parking spaces;
  - (7) Such other and further information and/or data as may be required by the Planning and Zoning Commission and/or Board of County Commissioners.

All of the aforesaid standards for development and requirements shall be incorporated into the ordinance of approval establishing the Planned Unit Development Zone.

Each planned unit development shall be subject to the review and approval of the North Central Health District, County Engineer, and the Community Development Director, each of whom shall impose those conditions necessary to insure compliance with the applicable health, safety, and general welfare requirements of the City and the state and the federal government.

## **PORT ZONE - P**

### **Section 3-39. Port Zone P**

The Purpose of the Port Zone is to provide zoning for uses, buildings and structures in which port facilities may be installed and used for port or port oriented development. Port facilities may include the following in accordance with the comprehensive plan for port development as adopted or amended by the Port of Lewiston, Idaho: Piers, wharves, cranes, derricks, railroad spurs, aprons, transit storage, dolphins, and other uses, buildings, and structures which may be compatible with and useful to the development of the port.

### **Section 3-40. Uses permitted outright.**

In the "P" Zone, the following uses and their accessory uses are permitted when they are in conformance with the standards and requirements of Section 5.0 of this chapter.

- (1) Port facilities as described above;
- (2) Grain storage;
- (3) Petroleum products storage and distributing facilities;
- (4) Truck terminal;
- (5) Chemical and fertilizer storage, blending and distribution facilities;
- (6) Wood products storage;
- (7) Mineral storage;
- (8) Warehouse.
- (9) Manufacturing, fabricating, processing, repairing, packing or storage except a use specifically listed as a conditional use in the M-2 Zone;
- (10) Commercial or industrial laundry;
- (11) Wholesale distribution;
- (12) Boat sales and marina;
- (13) General contracting and storage yard;
- (14) Service station;
- (15) Mini storage;
- (16) Greenhouses and nursery;
- (17) Veterinary clinic or kennel;
- (18) Tire recapping;
- (19) Auto, manufactured home, recreational, heavy equipment sales and service;
- (20) Retail sales and service;
- (21) Wood processing plant;
- (22) Concrete or concrete products manufacturing
- (23) Public uses which uses are similar to other permitted uses in this Zone;
- (24) Recycling center;
- (25) Solid waste handling facility;
- (26) Transportation facilities.

### **Section 3-41. Conditional uses permitted.**

In a "P" Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 5.0 and 7.0:

- (1) Eating and drinking establishment;
- (2) Other public use;
- (3) Semi public use;
- (4) Scrap metal storage;



- (5) Asphalt Plant;
- (6) Meat packing plant excepting stockyards;
- (7) Cement manufacturing;
- (8) Chemical storage and manufacturing, including farm fertilizers;
- (9) Rendering plant;
- (10) Heliport;
- (11) Commercial marina;
- (12) Quarrying;
- (13) Other manufacturing uses which are not permitted outright but which are consistent with the purpose of the Port zone and are not detrimental to any of the outright permitted uses or other existing conditional uses.

**Section 3-42. Limitations on use.**

In a "P" Zone, the following limitations on use shall apply:

- (1) Any use which creates a nuisance because of noise, smoke, odor, dust or gas is prohibited.
- (2) Materials shall be stored and grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (3) All service, processing, and storage on property abutting or facing a residential zone or a through highway shall be wholly within an enclosed building or screened from view from the residential zone or a through highway by a permanently maintained, sight obscuring fence at least eight (8) feet high.
- (4) Access from a public street to properties in the "P" Zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.
- (5) Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.
- (6) Effluent from permitted uses cannot be returned to the rivers without prior treatment or processing to insure compliance with existing city ordinances and state and federal pollution control standards.

## **Section 4.0: MANUFACTURED HOMES**

No person shall park any manufactured home or recreational vehicle or trailer on any road, highway or public place, within the County, except as provided in this chapter.

No person shall park any recreational vehicle or trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling, either of which is situated outside an approved manufactured home park; provided that the parking of only one recreational vehicle and/or trailer in any accessory private garage building or in a rear or side yard is permitted provided further, that no living quarters shall be maintained, or business practiced in such recreational vehicle and/or trailer, and so long as such recreational vehicle and/or trailer does not become a nuisance because of fire hazard or dilapidation.

The provisions of this chapter notwithstanding, no recreational vehicle or trailer shall be parked on any road or highway within the County in violation of any other ordinance, regulation or restriction affecting the use of such upon any particular road or highway.

### **Section 4.1: License Required**

No person shall operate or maintain upon any property owned or controlled by him a manufactured home park or tourist facility or combination of the two within the County without first having secured a Manufactured Home Park License. Such license shall not be granted without annual approval by the Department of Community Development. Said application shall be filed with the Department of Community Development and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the manufactured home park or tourist facility and make the application) and such legal description of the premises upon which the manufactured home park or tourist facility is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by one copy of the park plan showing the following, whether existing or as proposed:

- (1) The extent and area used for park purposes;
- (2) Roadways and driveways;
- (3) Location of spaces or units for travel trailers or manufactured homes;
- (4) Location and number of sanitary conveniences, including rest rooms, laundries and utility rooms to be used by occupants of travel trailers or manufactured homes;
- (5) Method and plan of sewage disposal;
- (6) Method and plan of garbage removal;
- (7) Plan for water supply;
- (8) Plans for electrical lighting of lots and spaces.

### **Section 4.2: Building, Plumbing and Electrical**

Licenses issued under the terms of this Ordinance shall convey no right to erect any building or to do any plumbing or electrical work.

### **Section 4.3: Nontransferable License**

No manufactured home park or tourist facility license shall be transferable. Every person holding such a license shall give notice in writing to the Department of Community Development within

five (5) days after having sold, transferred, given away or otherwise disposed of interest in or control of any manufactured home park or tourist facility. Every license holder shall cause an up-to-date plot plan of each existing manufactured home park or tourist facility for which he holds a license to be kept on file at the Department of Community Development, which plot plan shall be drawn on transparent material suitable for copying, using not less than a one-inch to twenty-foot scale.

#### **Section 4.4: Revocation**

The Department of Community Development is hereby authorized to revoke any license pursuant to the terms of this Ordinance if, after due investigation, he determines that the holder thereof has violated any of the provisions of this chapter or that any manufactured home park or tourist facility is being maintained in an unsanitary or unsafe manner or is a nuisance.

#### **Section 4.5: Hearing**

Any person aggrieved by an order of the Department of Community Development granting, denying, renewing or revoking a license for a manufactured home park or tourist facility may file a written request for a hearing before the Planning and Zoning Commission within ten (10) days after issuance of such order. The Planning and Zoning Commission shall give notice of a public hearing upon this request to be held within fifteen (15) days after service of the notice on the person requesting the hearing. The Planning and Zoning Commission may also give notice of the hearing to other persons directly interested in the order in question. At such hearing, the Planning and Zoning Commission shall determine whether the granting, denial, renewal, or revocation of the license was in accordance with the provisions of this chapter and shall issue a written findings of fact, conclusions of law and an order to carry out its findings and conclusions. These findings of fact, conclusions of law and order shall be filed with the Department of Community Development and served by the Department of Community Development upon all parties appearing or represented at such hearing.

#### **Section 4.6: Appeal**

Any order either granting, denying, renewing or revoking any license under the provisions of this chapter following public hearing as provided in Section 4.5, may be appealed to the Board of County Commissioners in the same manner as appeals from any order under the Zoning Ordinance of the County. Appeals from such orders following the Planning and Zoning Commission hearing and recommendation must be taken within ten (10) days after the decision is issued. Upon any such appeal, the findings of fact of the Planning and Zoning Commission, if supported by substantial evidence, shall be conclusive.

#### **Section 4.7: Inspection**

Before a manufactured home park or tourist facility license may be issued, the premises shall be inspected and approved by each of the staff as provided for in Section 3.0, as complying with all the provisions of this Ordinance and all other applicable ordinances of the County. Such investigation shall be conducted annually and in such a manner as to provide minimum inconvenience to occupants of the manufactured home park or tourist facility. Whenever practicable, the owner of the manufactured home park should be contacted at the time of inspection.

#### **Section 4.8: Office Required**

In every manufactured home park or tourist facility there shall be an office of the person in charge of such park. A copy of the park license and of this chapter shall be posted therein and the park register shall at all times be kept in such office.

#### **Section 4.9: Duties of Attendant**

The attendant or person in charge of any manufactured home park or tourist facility, together with the license shall:

- (1) Keep at all times a register of all guests or tenants, which shall be open at all times to inspection by state and federal officers and officers of the County and/or City, showing all guests or tenants:
  - (a) Names and addresses;
  - (b) Dates of entrance and departure;
  - (c) License numbers of all trailers, manufactured homes, recreation vehicles or other automobiles;
  - (d) States issuing such licenses;
  - (e) Place of last location and length of stay.
- (2) Maintain the park in a clean, orderly and sanitary condition at all times.
- (3) See that the provisions of this Ordinance are complied with and enforced and report promptly to the proper authorities any violation of this Ordinance or any other violation of law which may come to his attention.
- (4) Report to the North Central Health District all cases of persons or animals affected or suspected of being affected with any communicable disease.
- (5) Prevent the running loose of dogs, cats or other animals or pets.
- (6) Maintain in the office area at least one approved fire extinguisher.
- (7) Prohibit the lighting of open fires on the premises.

#### **Section 4.10: Application Submission**

When any person desires to develop a manufactured home park or tourist facility, that person shall file an application for the same with the City of Lewiston Community Development Department. The Community Development Department shall, within fifteen (15) days of submission of the application, schedule a pre-application conference between the Developer, Community Development Department, North Central Health District, Building Inspector and Engineer to discuss the site design, location, and related areas of concern for the proposed development.

#### **Section 4.11: Application Contents**

Each application for development of a manufactured home park or tourist facility shall include a minimum, the following:

- (1) A site plan drawn to reasonable scale, showing the general site layout of the proposed development and including all driveways, parking and landscaped areas, fencing, laundry, public utilities, trash bins, signs and all other features deemed necessary by the Department of Community Development, Engineer or the Planning and Zoning Commission.
- (2) A written description of the number of manufactured home sites, the parking ratio, operating procedures, and all other data requested by the Department of Community Development, County Engineer or the Planning and Zoning Commission regarding or describing the proposed development's operations.

#### **Section 4.12: Review Process**

The submission and review of each manufactured home park shall be made in the following manner:

- (1) Following the initial pre-application conference, the Department of Community Development shall schedule such additional pre-application conferences with the developer as shall be necessary to properly inform the developer of all the necessary requirements for development and to obtain from the developer all the necessary information, site plans, descriptions, and data for the Department of Community Development, Engineer, North Central Health District or other departments and agencies to present the proposed development to the Planning and Zoning Commission.
- (2) Following the last pre-application conference between the developer and the Department of Community Development, Engineer, North Central Health District and other departments and agencies, the Department of Community Development shall within thirty (30) days, submit to the Planning and Zoning Commission, the application for development of the manufactured home park or tourist facility.
- (3) Each manufactured home park or tourist facility must be approved by the Planning and Zoning Commission.

## **DEVELOPMENT STANDARDS**

### **Section 4.13: Lot Size**

Manufactured home parks and tourist facilities shall be a minimum of four and one-half (4-1/2) acres.

### **Section 4.14: Lot Standards**

Lots within manufactured home parks shall conform to the following minimum standards:

- (1) The total area of all manufactured home spaces shall be equal to or greater than the product of the total number of spaces multiplied by two thousand eight hundred (2,800) square feet.
- (2) No manufactured home park shall exceed the maximum density of twelve (12) units per net acre.
- (3) No structure or accessory structure shall exceed the maximum height of thirty (30) feet.
- (4) A minimum front yard setback for a manufactured home park shall be twenty (20) feet from the property line.
- (5) No unit within a manufactured home park shall be closer than five (5) feet to the perimeter fence of that manufactured home park and shall comply with the setback requirements of that zone if more restrictive.
- (6) Each individual lot within a manufactured home park shall have side yards on each side of the unit of a minimum of three (3) feet excepting that no unit shall be closer than ten (10) feet to another unit, and shall have a rear yard of a minimum of five (5) feet.
- (7) The maximum lot coverage shall be seventy-five (75) percent for individual spaces or lots in manufactured home parks.
- (8) Parking within manufactured home parks shall conform to the following minimum standards:
  - (a) A minimum of two (2) spaces shall be provided for each manufactured home lot, plus one common guest space shall be provided for every ten (10) lots.
  - (b) A minimum of one (1) space per three (3) manufactured home lots shall be required for parking of recreational vehicles, boats, trailers and related

items. The parking spaces for recreational vehicles shall be screened from view both within and without of the manufactured home park by a site-obscuring fence. Recreational vehicles shall not be kept on individual lots in manufactured home parks.

- (9) Security for all manufactured home parks shall be surrounded by a minimum six-foot high security fence or wall, except that such fence or wall shall not be required where it would violate clear vision requirements as specified either in the Area of City Impact Zoning Ordinance, the Nez Perce County Zoning Ordinance or the Idaho State Code.
- (10) Landscaping shall be as follows: A minimum of one and one-half inch caliber shade trees shall be placed every thirty (30) feet on the perimeter of the manufactured home park. Additional landscaping shall be required as specified by the Department of Community Development. All required landscaping shall be maintained by the developer on a continuing annual maintenance basis.
- (11) A recreation area shall be required in each manufactured home park. The recreation area shall consist of not less than five (5) percent of the total park provided; however, that in no case shall a required recreational area be less than five thousand (5,000) square feet.
- (12) All streets, drives, lighting and utility plans shall be subject to the approval of the Engineer, who shall approve them on the basis of their ability to serve the proposed development.

## **ANCHORING AND SKIRTING**

### **Section 4.15: Anchoring**

The Planning and Zoning Commission may require anchoring of manufactured housing subject to manufacturers specifications in those areas subject to extremely high winds.

### **Section 4.16: Skirting**

All manufactured homes within manufactured home parks in the County shall be provided with, at a minimum, a compatible pre-finished skirting which shall extend from the grade of the ground to the base of the manufactured home. The skirting shall be rodent-proof and shall be maintained in good repair at all times. The skirting shall extend around the entire perimeter without gaps or holes, other than that required for ventilation, which shall be screened.

### **Section 4.17: Existing Manufactured Home Parks**

Manufactured home parks in existence as of the effective date hereof shall be permitted to continue as an established land use but shall not be altered so as to deviate below the minimum standards of this chapter. Any addition to an existing manufactured home park shall meet all the standards required by this chapter. If an addition or series of additions result in the doubling of the size of an existing manufactured home park, then the entire park shall be required to meet all standards required by this chapter.

The term "addition to an existing manufactured home park" shall mean the addition of area to an existing park or the creation of new manufactured home spaces within an existing park; provided that new spaces created by the rearrangement of manufactured home units within an existing park for the maintenance or improvement of vehicle access shall not, so long as the minimum yard requirements of this Ordinance are met, be deemed an addition.

Private drive access presently provided to manufactured home units in existing parks shall not be altered so as to decrease the vehicular access area presently provided.

The operator of any manufactured home park in existence as of the effective date hereof shall, within ninety (90) days from said effective date, file with the Department of Community Development an accurately drawn site plan of the park containing the information required by Section 4.11 of this Ordinance. Such plan shall clearly show all spaces provided for manufactured homes and the dimensions of all manufactured home units located herein.

## **LOCATION OF COMBUSTIBLE MATERIALS**

### **Section 4.18: Liquefied Petroleum Gas Tanks**

Liquefied petroleum (LP) gas tanks shall not be located closer to any manufactured home unit than five (5) feet for tanks of less than one hundred (100) gallons nor ten (10) feet for tanks of one hundred (100) gallons or more. If sufficient space is not available to comply with this provision and another source of fuel is available, said tanks shall be removed within ninety (90) days from the effective date of this Ordinance. Provided, that each manufactured home unit may have not more than two (2) factory installed propane tanks of not more than ten-gallon capacity each notwithstanding the foregoing provision.

### **Section 4.19: Storage Beneath Manufactured Homes**

- (1) The storage of personal property beneath manufactured home units shall not be permitted under any bedroom or sleeping quarters and shall be limited to ten (10) percent of the area under the manufactured home unit.
- (2) The following materials shall not be stored under manufactured homes:
  - (a) Flammable liquid, which includes any liquid having a flash point below one hundred forty (140) degrees Fahrenheit, and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit.
  - (b) Combustible liquid, which includes any liquid having a flash point at or above one hundred forty (140) degrees Fahrenheit, and below two hundred (200) degrees Fahrenheit, and shall be known as Class III liquids.
  - (c) Compressed gas, which includes any mixture or material having in the container either an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees Fahrenheit, or both; or any liquid flammable material having a vapor pressure, as defined in Section 1.424 of the Uniform Fire Code, exceeding forty (40) pounds per square inch at one hundred (100) degrees Fahrenheit.
  - (d) Flammable material, which includes:
    - (1) Any material that will readily ignite from common sources of heat;
    - (2) Any material that will ignite at a temperature of six hundred (600) degrees Fahrenheit or less.
  - (e) Combustible waste matter, including magazines, books, trimmings from lawns, trees, flower gardens, pasteboard boxes, rags, paper, straw, sawdust, packing material, shavings, boxes and all rubbish and refuse that will ignite through contact with flames of ordinary temperatures.

### **Section 4.20: Structural Modification**

Manufactured homes may be modified, structurally altered or have exterior additions added only

in accordance with the manufacturers' specifications and upon approval of State Building Inspector for which a permit is required.

**Section 4.21: Building Permit Required**

A building permit shall be obtained from the Building Official for the placement of all manufactured homes and any carports, additions or roof coverings whether detached or not. A building permit shall be obtained for replacement of a manufactured home existing in a current manufactured home park or any new manufactured home parks.



## **SECTION 5.0: SUPPLEMENTARY REGULATIONS**

### **Section 5.1: Access**

Every lot shall abut a street, other than an alley, for at least twenty (20) feet.

### **Section 5.2: Clear Vision Area Requirements**

A clear vision area, as defined in Section 1.5, shall be maintained on the corners of all public and private property within the intersection of roadways or of a roadway and railroad. The clear vision area shall contain no trees, shrubs, or other plantings; fences, walls, signs or other temporary or permanent sight obstructions of any nature exceeding thirty (30) inches in height above the existing centerline elevation of the adjacent roadway, except that trees exceeding thirty (30) inches in height may be permitted if all branches and foliage shall be removed to a height of nine (9) feet above the existing centerline elevation of the adjacent roadway.

### **Section 5.3: General Provisions, Accessory Uses**

Accessory uses shall be permitted in rear yard areas. Zero (0) foot lines may be allowed in side and rear yards on one side only, so long as the total side yard requirement for that zone is maintained in the other side yard, when in compliance with building code standards, except that five (5) foot rear yard setbacks shall be maintained where the lot abuts an alley. Accessory uses otherwise shall comply with all requirements for the principal use except where specifically modified by this ordinance, and in addition shall comply with the following limitations:

- (1) No sales shall be made from a greenhouse accessory to a dwelling;
- (2) Home occupation. Authorized home occupations are permitted in any dwelling unit, subject to the following provisions:
  - (a) Home occupations include, but are not limited to the following:
    - (1) Artists, authors, sculptors;
    - (2) Barber and beauty shops;
    - (3) Dressmakers, seamstresses, and tailors;
    - (4) Family day care home, limited to not more than six (6) children;
    - (5) Home crafts and instruction in arts and crafts, limited to not more than six (6) participants;
    - (6) Lawyers, architects, engineers, Realtors, insurance agents, brokers, and members of similar professions;
    - (7) Music or dancing teachers, provided that the instruction shall be limited to six (6) pupils at that time, except for occasional groups;
    - (8) Photographers;
    - (9) Physicians, dentists, or other licensed medical practitioners;
    - (10) Repair of household appliances radios, and television sets;
    - (11) Sales of items grown on the premises;  
this is not meant to limit the processing of certain food products such as wine, jellies, canned fruits or vegetables. Sale of such items shall be limited to seasonal availability.
  - (b) Home occupations not permitted. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations:

- (1) Auto repair, minor or major;
  - (2) Gift shop;
  - (3) Painting of vehicles, trailers or boats;
  - (4) Photo developing, retail;
  - (5) Cabinet shop.
- (c) Use limitations. An occupation which does not comply with the following criteria shall not be deemed a "home occupation":
- (1) Not more than one person other than members of a family residing on the premises, shall be engaged in such occupation;
  - (2) The use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than one-fourth (1/4) of the gross area of one floor of said dwelling shall be used for the home occupation;
  - (3) No exterior display, including window displays, shall be permitted;
  - (4) No outdoor storage shall be permitted;
  - (5) Exterior signs shall be restricted to those permitted in the zone in which the home occupation is located;
  - (6) There shall be not other exterior indication of the home occupation;
  - (7) No home occupation shall be conducted in such a manner, and/or no materials or mechanical equipment shall be used, which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factor;
  - (8) Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front or side yard;
  - (9) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises;
  - (10) The occupation shall be conducted only in the dwelling unit and not in a building which is detached from the dwelling unit, unless a conditional use permit is obtained;
  - (11) No article shall be sold on the premises, except such as is produced by the occupants on the premises, unless a conditional use permit is obtained.
- (d) Conditional use permits required. In those instances where an applicant desires to conduct a home occupation in an accessory building, to sell articles which do not come under the definition of "home craft," or to conduct swimming classes in a home pool, a conditional use permit application shall be made to the Commission. The following criteria shall be used by the Commission to determine a valid home occupation:
- (1) Conditions (c)1 through (c)9 listed above;
  - (2) The area of the accessory building used shall be no larger than one-fourth (1/4) of the gross area of one floor of the dwelling;
  - (3) Swimming instructions shall be limited to six (6) pupils per class, between the hours of 8:00 a.m. and 6:00 p.m.

#### **Section 5.4: Other Minimum Setbacks**

In addition to any setback requirements required by this ordinance, in Residential (R) Zones, all lots shall have a minimum setback from any adjacent street of thirty-five (35) feet from the center line of the street, or twenty (20) feet from the property line, whichever is greater.

## **Section 5.5: Off-Street Parking**

At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces shall be provided as set forth in this Section. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if it would result in less space than is required by this Ordinance. When square feet are specified, then the area measured shall be the gross floor area of the building, but shall exclude any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak session. Fractional space requirements shall be counted as a whole space.

- (1) Residential Uses:
  - (a) One- or two-family dwelling:  
Two (2) spaces per dwelling unit.
- (2) Commercial Residential:
  - (a) Club or lodge: Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
  - (b) Motel or hotel: One space per guest room or suite plus additional spaces for the owner or manager.
- (3) Institutions:
  - (a) Convalescent hospital, nursing home, sanitarium, rest home, or home for the aged: One space per two (2) beds for patients or residents.
- (4) Places of Assembly:
  - (a) Church: One space per four (4) seats or eight (8) feet of bench length in the main auditorium.
  - (b) Library or reading room: One space per four hundred (400) square feet of floor area plus one space per two (2) employees.
  - (c) Elementary or Junior High: One space per classroom, plus one space per administrative employee, or one space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.
  - (d) High School: One space per classroom plus one space per administrative employee, plus one space for each six (6) students, or one space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.
  - (e) Other auditorium or meeting room: One space per four (4) seats or eight (8) feet of bench length. If no fixed seats or benches, one space per sixty (60) square feet of floor area.
- (5) Commercial Amusements:
  - (a) Bowling establishment without restaurant: Six (6) spaces per alley plus one space per two (2) employees.
  - (b) Bowling establishment with restaurant: Eight (8) spaces per alley plus one space per two (2) employees.
  - (c) Dance hall or skating rink: One space per one hundred (100) square feet of floor area plus one space per two (2) employees.
- (6) Commercial:
  - (a) Retail stores, except as provided in paragraph (b) of this subsection: One space per four hundred (400) square feet of floor space.
  - (b) Service or repair shop/retail store handling exclusively bulky merchandise such as automobiles and furniture: One space per six hundred (600) square feet of floor area plus one space per two (2) employees.
  - (c) Eating or drinking establishment: One space per two hundred (200) square feet of floor area.
  - (d) Office: One space per two hundred fifty (250) square feet of floor area plus 1.5 spaces per two (2) employees.

- (7) Industrial:
  - (a) Storage warehouse, manufacturing establishment, air, rail, or trucking freight terminal: One space per employee.
  - (b) Wholesale establishment: One space per employee plus one space per seven hundred (700) square feet of patron service area.

**Section 5.6: Landscaping in Off-Street Parking Areas**

Landscaping shall be required for all off-street parking areas for more than five (5) vehicles, except for single-family residential use, in order to reduce the barren appearance of parking lots and to provide landscaped buffers between public rights-of-way and parking lot areas, subject to the following provisions:

- (1) A minimum of five (5) percent of the gross parking area, including a minimum of three (3) foot buffer strip abutting a public right-of-way, except for required clear vision area, shall be landscaped with approved living plant materials which shall include but not be limited to trees and shrubs. Trees shall be at least six (6) feet high at the time of planting. Landscaping shall be of such a density and distributed in such a manner as to achieve a pleasing appearance, as determined by the Community Development Department.
- (2) An automatic underground sprinkling system shall be installed for all required landscaping.
- (3) A performance bond shall be required to insure compliance with this paragraph and to cover replacement and maintenance for a period of one year after time of planting.

**Section 5.7: Off-Street Loading**

Off-street loading shall be required as provided in this Section and Section 5.8.

- (1) A school having a capacity greater than twenty-five (25) students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (2) Buildings or structures to be built or substantially altered and which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and sizes to handle adequately the needs of the particular use.
- (3) Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. When possible, loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
- (4) Loading space that has been provided in connection with an existing use or is added to an existing use shall not be eliminated if it would result in less space than is required to handle the needs of the particular use. Off-street parking space used to fulfill the requirements of this chapter shall not be used for loading and unloading except during periods of the day when it is not required to meet the parking needs.

**Section 5.8: General Provisions, Off-Street Parking and Loading**

The general provisions for off-street parking and loading shall be as follows:

- (1) The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be

issued until plans are presented which show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

- (2) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning and Zoning Commission based upon the requirements for comparable uses listed.
- (3) When several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- (4) Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the county in the form of deeds, leases, or contracts to establish the joint use.
  - (a) Off-street parking spaces for dwelling shall be located on the same parcel with the dwelling.
  - (b) Other required parking spaces shall be located not farther than three hundred (300) feet from the building or use they are required to serve, measured in a straight line from the building.
- (5) Required parking spaces shall be available for the parking of passenger automobiles or residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- (6) Unless otherwise provided, required parking and loading spaces shall not be located in a yard required by this chapter.
- (7) A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirements are being met, including the following:
  - (a) Individual parking and loading spaces.
  - (b) Circulation area necessary to serve spaces.
  - (c) Access to streets and property to be served.
  - (d) Curb cuts.
  - (e) Dimensions, continuity, and substance of screening, if any.
  - (f) Grading, surfacing, drainage, and subgrading details.
  - (g) Obstacles, if any, to parking.
  - (h) Specifications for signs and bumper guards.
  - (i) Landscaping in parking area.
  - (j) Other pertinent details.
- (8) Design requirements for parking lots:
  - (a) Areas used for parking vehicles and for maneuvering shall have durable and dustless surfaces adequately maintained.
  - (b) Except for parking in connection with dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbances of residents by the erection between the uses of a sight obscuring fence of not less than five (5) or more than six (6) feet in height, except where vision clearance is required.
  - (c) Parking spaces along the outer boundaries of a parking lot shall be

- contained by a bumper rail or by a curb which is at least four (4) inches high and which is set back a minimum of one and one-half (1-1/2) feet from the property line.
- (d) Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
  - (e) Access aisles shall be of sufficient width to permit easy turning and maneuvering.
  - (f) Except for single-family and two-family dwellings, groups or more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
  - (g) Service drives to off-street parking areas shall be designed to provide maximum safety for vehicles and pedestrians. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic. In no case shall service drives be less than one hundred (100) feet apart measured center to center.
  - (h) Driveways shall have a minimum clear vision area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points thirty (30) feet from the intersection.
- (9) Completion time for parking lots. Required parking spaces shall be improved as required and made available for use before the final inspection is complete by the County Planner and/or Community Development Department. If the parking space is not required for immediate use, an extension of time may be granted by the County Planner and/or the Community Development Department, providing that a performance bond or its equivalent is posted equaling the cost to complete the improvements as estimated by the County Planner and/or Community Development Department. If the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements constructed under the direction of the county.

### **Section 5.9: Billboards**

Billboards shall comply with the following:

- (1) The maximum area of billboard signs shall be limited to six hundred seventy-two (672) square feet plus cutouts. Cutouts may extend beyond the display surface up to five (5) feet above, two (2) feet to either side, or four (4) feet below and add up to one-third (1/3) additional area to the sign but not separate from display signs.
- (2) The maximum height of any billboard sign shall be twenty-seven (27) feet from street elevations, excluding cutouts, except by conditional use permit.
- (3) Billboards erected after the effective date of this chapter shall have primary structural members of metal or other approved materials.
- (4) Billboards may not project over public property.
- (5) No billboard shall be located within five hundred (500) feet of another billboard on the same side of the street or highway nor within two hundred fifty (250) feet across the street or highway. The spacing may be reduced to three hundred (300) feet and one hundred fifty (150) feet respectively if such signs are located in separate blocks with an intervening street intersection.
- (6) There shall not be more than one thousand five hundred (1,500) square feet of area of billboard signs, excluding cutouts, in one-half (1/2) mile lineal distance as measured parallel to the center line of the highway of street.
- (7) For the purpose of measurement under this section:

- (a) Two (2) billboards built on the same or immediately adjacent structures with display surfaces facing in the same direction and located within a horizontal parallel plane and not exceeding a horizontal dimension of fifty-five (55) feet, including the space between the display surfaces of such signs, shall be considered to be and measured as one sign, including, but not limited to, those that have display surfaces back-to-back as provided in (b) below.
  - (b) Two (2) advertising signs built back-to-back on the same structure with display surfaces mounted parallel, but facing in opposite traffic directions shall be considered to be one sign and shall be measured on the large size to determine area.
- (8) No additional billboards shall be allowed in the area of City impact after the effective date of this chapter except by conditional use permit.

## **Section 6.0: EXCEPTIONS:**

### **Section 6.1: Projections from Buildings**

In residential zones, cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels and other similar architectural features shall not extend beyond the exterior walls more than thirty-three and one-half (33-1/2) percent of the distance of the required setback.

### **Section 6.2: General Exceptions of Lot Size Requirements**

If a lot or the aggregate of contiguous lots or parcels platted prior to the time this ordinance was adopted has an area or dimension which does not meet the requirements of this ordinance, the lot or aggregate holdings may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling.

### **Section 6.3: General Exceptions to Front Yard Requirements**

- (1) The following exceptions to the front yard requirements are authorized for a lot in any zone:
  - (a) On corner lots, the owner of the lot may determine which street the front of the lot shall face.
  - (b) If there are dwellings on both abutting lots with front yards of less than the required depth of the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
  - (c) If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half (1/2) way between the depth of the abutting lot and the required front yard depth.
  - (d) The Planning and Zoning Commission may establish greater yard requirements when the yard abuts a street which the county has designated for widening.
- (2) The Community Development Department shall, upon written application therefor, grant permits allowing exceptions to front yard setback requirements in residential (R) zones, permitting encroachments up to ten (10) feet from the front property line, when the following standards are met:
  - (a) No structure or other encroachment shall be permitted closer than thirty-five (35) feet from the centerline of any adjacent street.
  - (b) The height of any structure or encroachment placed in the encroachment area (the "encroachment area" being any area within twenty (20) feet of the front lot line) shall be restricted as follows: structure height at the 10-foot line shall be zero feet; height may be increased three (3) feet for each foot beyond the 10-foot line, measured, parallel with the front lot line. Height shall be measured from the top of the centerline of the adjacent street.
  - (c) No front yard setback exception permit shall be granted until all owners of record of property within three hundred (300) feet of the property for which the exception is required shall be notified by mail of the proposed exception and afforded an opportunity, within fifteen (15) days of the mailing of notice, to object in writing to the granting of such permit; nor until the County Engineer shall have been notified of the permit request. If no written objections from the County Engineer or any other person



entitled to notice are received within fifteen (15) days of such notice, the County Planner and/or Community Development Department shall approve the request and issue the permit, subject to the above requirements of subparagraph (a) and (b) above.

- (d) If any written objection to the granting of the permit is received within fifteen (15) days of such notice from any person entitled to notice, a hearing shall be held before the Commission. Following such hearing, if the Commission finds that:
- (1) Traffic visibility and safety;
  - (2) Aesthetic appearance of the neighborhood; and,
  - (3) Neighboring property value will not be adversely affected by the granting of the permit; the permit shall be granted.

Decisions of the Planning and Zoning Commission may be appealed by any person entitled to notice of the proceedings, in accordance with Section 11.3.

- (3) The filing fee for each setback exception request shall be thirty-five dollars (\$35.00).

#### **Section 6.4: General Exceptions to Building Height Limitations**

Except in the airport zone, the following types of structures or structural parts are not subject to the building height limitations of this ordinance. Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, and other similar projections.

## **SECTION 7.0: CONDITIONAL USES**

### **Section 7.1: Authorization to Grant or Deny Conditional Uses**

- (1) Uses designated in this ordinance as conditional uses may be permitted upon authorization by the Commission in accordance with the standards and procedures established in this Section. The Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, any additional conditions which it considers necessary to protect the best interests of the surrounding property or the county as a whole. Those conditions may include, but are not limited to:
  - (a) More restrictive standards than generally required, such as increased lot or yard size, with limitations, or increased parking space requirements;
  - (b) Minimizing adverse impacts, such as limiting the number, size, and location of signs and requiring screening, diking, fencing, or landscaping;
  - (c) Controlling the timing, sequence, and duration of development;
  - (d) Designating the exact location and nature of development and assuring that it is maintained properly;
  - (e) Requiring the provision of on-site or off-site public facilities.
- (2) Any use which is granted and permitted as a conditional use in a particular zone under the terms of this ordinance shall be deemed to be a conforming use in said zone. A use existing prior to the effective date of this ordinance and which is classified in this ordinance as a conditional use, shall be considered a conforming use. Any future change in lot area or alteration in existing structures shall be permitted outright, provided required permits are obtained and standards complied with. Any change in use shall be subject to the regulations of the zone in which it is located.

### **Section 7.2: Application for a Conditional Use**

A property owner or his agent may initiate a request for a conditional use or for the modification of an existing conditional use by filing an application with the Community Development Department on forms prescribed in Section 11.5. The application shall be submitted at least twenty (20) working days prior to the meeting at which it will be considered. The application for a conditional use shall be accompanied by a site plan drawn neatly and accurately and to an appropriate scale showing at least the following items:

- (1) Setbacks;
- (2) All building locations and overhangs;
- (3) Driveways and parking spaces;
- (4) Landscaping.

The plan, as approved or modified by the Commission, shall be made a part of the applicant's file and all construction and development shall comply with said plan.

### **Section 7.3: Public Hearing on a Conditional Use**

Before the Commission shall act upon a request for a conditional use, it shall hold a public hearing pursuant to Section 11.2 of this ordinance.

### **Section 7.4: Standards Governing Conditional Uses**

A conditional use shall comply with the standards of the zone in which it is located, except as the

Commission may modify these standards in authorizing the conditional use as otherwise provided as follows:

- (1) Yards. In a residential zone, a required yard shall be at least two-thirds (2/3) the height of the principal structure. In any zone, additional yard requirements may be imposed.
- (2) Churches. The Planning and Zoning Commission may authorize a church as a conditional use, if, in its judgment, the size of the site is adequate for the intended use, access to the site is adequate, and the surrounding property will not otherwise be adversely affected. A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1-1/2) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure. In addition to the signs permitted in the zone in which it is located, a church may have a bulletin board not exceeding twenty (20) square feet in area and set back ten (10) feet from the street.
- (3) Public utility. In considering an application for a public utility use, the Planning and Zoning Commission shall determine that the site, easement, or right-of-way is located so as to best serve the immediate area, and in the case of a right-of-way easement will not result in the uneconomic parceling of land. As far as possible, transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designated, and installed as to minimize their effect on scenic values and interference in radio and television receivers in the vicinity.
- (4) Wrecking yard. A wrecking yard shall be enclosed by a sight obscuring fence not less than eight (8) feet high.
- (5) Individual minimum five thousand (5,000) square foot lots.
  - (a) Minimum lot size shall be five thousand (5,000) square feet with a minimum lot width of fifty (50) feet and minimum lot depth of eight (80) feet.
  - (b) Setbacks and other design criteria shall be consistent with the zone except as otherwise stated.
  - (c) Maximum lot coverage shall be forty (40) percent.
  - (d) Accessory buildings shall be limited to twenty (20) percent of the total lot area and at no time shall more than fifty (50) percent of the floor area of all structures on the lot be accessory uses.
  - (e) When applying for a building permit, the owner shall present a verification of survey stakes or a resurvey. He shall also show the present or future location of the garage and access drive.
  - (f) Neighborhood compatibility must be proven. The acceptance by adjacent neighbors must be documented. Any proposal which radically or adversely affects the density, typical pattern of development or style of housing will not be permitted.
- (6) Mini-storage complex. The following standards shall govern all conditional use permits for mini-storage complexes.
  - (a) Each mini-storage complex shall be screened by a sight obscuring fence of a minimum height of six (6) feet or landscaping along any lot line abutting a residential zone.
  - (b) Asphaltic or Portland cement paving shall be required on all areas designated for vehicular movement, on- or off-loading, or parking.
  - (c) A minimum of five (5) percent of the gross vehicular area, including a minimum three-foot buffer strip abutting a public right-of-way, except for required clear vision area, shall be landscaped with approved living plant materials which shall include, but not be limited to, trees and shrubs.

Trees shall be at least six (6) feet high at the time of planting. Living plant materials shall be spaced on three (3) foot to five (5) foot centers, depending on maximum growth at maturity. Shrubs shall be a minimum of thirty (30) inches in height at maturity.

- (d) Adequate on-site area for on- and off-loading of vehicles shall be provided so that such operations do not take place on or interfere with public right-of-way.
- (e) Exterior security lighting shall be provided. Security lighting shall be screened to prevent spill-over into any adjacent residential areas.

(7) Class B manufactured homes on individual building lots.

(a) No manufactured home shall be allowed on any individual building lot within the area of City impact in Nez Perce County unless the mobile home as been inspected and approved by the United State Department of Housing and Urban Development (HUD) and bears the seal of that department, and the Planning and Zoning Commission of Lewiston, Idaho, shall find that approval of the applicant for a conditional use permit will be compatible with the general character of the neighborhood or to the property values of other property within the neighborhood. In making its determination, the Commission shall consider at least the following criteria:

- (1) Existence of other similar manufactured homes in the neighborhood.
  - (2) The general character of the neighborhood including the existing land uses, compatibility of types and styles of buildings and condition of housing.
- (b) Approval of a conditional use permit application shall be conditional upon the applicant complying with the following requirements:
- (1) The manufactured home shall be permanently attached to the real property of the lot upon which the manufactured home is situated by anchoring the manufactured home to a concrete foundation, removing the tongue and wheels from the manufactured home and installing skirting around the entire circumference of the manufactured home.
  - (2) A building permit for the placement of the manufactured home on the foundation on the lot shall be obtained from the Building Division of the County of Nez Perce.
  - (3) A certificate of occupancy for the manufactured home shall be obtained from the State Building Inspector.

(8) Manufactured home hardship provisions.

- (a) Class B manufactured homes shall be permitted as a temporary conditional use upon specific findings by the Commission of a hardship involving special and unique circumstances requiring the use of a manufactured home for housing purposes.
- (b) The hardship must not be one of the applicant's creation and shall be a result of an illness or medical emergency prohibiting the acquisition of conforming housing.
- (c) The conditional use permit granted under this provision shall be personal to the applicant and shall not run with the land nor may it be transferred.
- (d) The conditional use permit shall be for one year but may be renewed upon annual application to the Commission and upon a finding that the hardship still exists.
- (e) Approval of the conditional use permit application shall be a conditioned

upon the applicant complying with the following requirements:

- (1) The tongue of the manufactured home shall be removed and skirting shall be installed around the entire circumference of the manufactured home.
  - (2) The manufactured home shall be attached or affixed meeting manufacturer's recommendations.
  - (3) A building permit and a certificate of occupancy for the manufactured home shall be obtained from the building division of Nez Perce County.
  - (4) The lot size requirements of Sections 3.7 and 3.13.
  - (f) Upon termination or expiration of the manufactured housing hardship permit, the manufactured home shall be removed within sixty (60) days.
- (9) Farming includes the keeping of livestock. Where the keeping of livestock is permitted as a conditional use in a residential zone, the following standards shall apply:
- (a) Horses and cattle. One head for the first one-half (1/2) acre of pasture (not including sucklings).
  - (b) Sheep and goats. Five (5) head of feeder sheep, or three (3) head of breeding sheep for the first one-half (1/2) acre of pasture and ten (10) head of sheep for each additional acre of pasture (not including sucklings). Five (5) head of female or castrated male goats, or any combination thereof, for the first one-half (1/2) acre of pasture and ten (10) head for each additional acre of pasture.
  - (c) Poultry. Twenty-five (25) laying hens and fifty growing chickens for the first one-half (1/2) acre of pasture; additional chickens as determined in each case by the Planning and Zoning Commission.
  - (d) The keeping of swine in a residential zone is prohibited.
  - (e) Animals shall be kept in such a manner as not to constitute a nuisance with respect to neighboring property.

(10) Commercial Kennel Standards:

- (a) Where commercial kennels are permitted as a conditional use, the following standards shall apply:
  1. The floor of the kennel and outdoor dog runs shall be paved and shall contain a drain to allow the area to be cleaned and disinfected;
  2. The outdoor dog runs shall be enclosed with fences or walls of a minimum of eight (8) feet in height;
  3. All laws applicable to the public health shall be complied with for the entire period of the operation of the kennel.
- (b) Where commercial kennels are permitted as a conditional use in a residential zone, the following standards shall apply:
  1. All of the standards of Ordinance No. 46, Section 7.4 shall be met;
  2. Structures or enclosures used for the kennel shall be located only in the rear yard and shall be set back one hundred (100) feet from the side and rear property lines.

## **SECTION 8.0: NONCONFORMING USES**

### **Section 8.1: Continuance of a Nonconforming Use or Structure**

Subject to the provisions of this article, a nonconforming use may be continued and maintained in reasonable repair but shall not be altered or extended, except that the extension of a nonconforming use to a portion of a structure that was provided for the nonconforming use at the time this Ordinance is adopted shall be permitted, and except that a structure ordinance with respect to use but nonconforming with respect to height, setback or coverage may be altered or extended if the alteration or extension does not further deviate from the standards of this ordinance, and except that a nonconforming residential use located in any Industrial (M) Zone may be altered or extended subject to the following limitations:

- (1) No extension shall increase the size of the existing structure by more than twenty-five (25) percent, excluding usual and customary accessory uses.
- (2) Yard requirements shall be as follows:
  - (a) A front yard shall be a minimum of twenty (20) feet.
  - (b) A side yard shall be a minimum of five (5) feet and the total of both side yards shall be a minimum of fifteen (15) feet except that on corner lots and side yard on the street side shall be a minimum of ten (10) feet.
  - (c) A rear yard shall be a minimum of twenty (20) feet.
- (3) Lot coverage for a residential use shall not exceed forty (40) percent of the lot.

### **Section 8.2: Discontinuance of a Nonconforming Use**

- (1) If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall conform to this ordinance.
- (2) If a nonconforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this ordinance.

### **Section 8.3: Change of a Nonconforming Use**

- (1) If a nonconforming use is located in a conforming structure, any change in use shall conform to this Section.
- (2) A nonconforming use located in a nonconforming structure, may, upon review by the Commission, be changed to another nonconforming use, provided the Commission shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing nonconforming use. In permitting such a change of use, the Commission shall consider whether the proposed use will:
  - (a) Generate less traffic;
  - (b) Decrease hours of operation;
  - (c) Generally be less offensive.
- (3) In permitting any such change of use, the Commission may require additional appropriate conditions and safeguards in accord with other provisions of this Section. Structural alteration may be allowed to any portion of the nonconforming structure, provided it does not increase the existing floor area, and provided the alteration is aesthetically acceptable for the neighborhood in which the structure is located, as determined by the Planning and Zoning Commission.

### **Section 8.4: Replacement of Nonconforming Manufactured Homes**

Nonconforming manufactured homes located on individual lots which are removed from the property shall be replaced by conforming units. In the F and R-1 Zones, the class B manufactured

homes will not require a conditional use permit and hearing if replaced within six (6) months.

**Section 8.5: Destruction of a Nonconforming Use**

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eight (80) percent of fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to this ordinance.

**Section 8.6: Completion of Structure**

Nothing contained in this Ordinance shall require any change in the plans, construction of alteration, or designated use of a structure for which a permit has been issued and construction work has commenced prior to the adoption of this Ordinance, except that if the building is nonconforming or is intended for a nonconforming use, it shall be completed and in use within one year from the time the permit was issued.

**Section 8.7: Termination of Certain Nonconforming Uses**

A nonconforming use not involving a structure or one involving a structure having an assessed value of less than two hundred dollars (\$200.00) shall be discontinued within two (2) years from the date this ordinance is adopted, except that this Section shall not apply to the keeping of livestock.

## **SECTION 9.0: VARIANCES**

### **Section 9.1: Authorization to Grant or Deny Variance**

The Commission may authorize variances where it can be shown that the literal interpretation of this Ordinance would cause hardship. A variance shall not be considered a right or special privilege, but may be granted only upon the showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest. Once granted, a variance is permanent and runs with the land.

In granting a variance, the Commission may attach conditions which it finds necessary to protect the interests of the surrounding property or neighborhood and otherwise to achieve the purpose of this Ordinance. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.

### **Section 9.2: Circumstances for Granting a Variance**

No variance shall be granted unless it can be shown that all of the following circumstances exist:

- (1) Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, or shape, topography, or other circumstances over which the applicant has no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- (3) The authorization of the variance will not be materially detrimental to the purposes of this Ordinance, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county development plans or policies.
- (4) The variance requested is the minimum variance which will alleviate the hardship.

### **Section 9.3: Application for a Variance**

A property owner may initiate a request for a variance by filing an application with the Community Development Department, using forms prescribed in Section 11.5. The application shall be submitted at least twenty (20) working days prior to the meeting at which it will be considered. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied and the dimensions and arrangement of the proposed development. The Commission may request other drawings or information necessary to an understanding of the request. The Community Development Department shall utilize the services and facilities of other county officials in the preparation of reports to the Commission.

### **Section. 9.4: Public Hearing on a Variance**

Before the Commission may act on a request for a variance, it shall hold a public hearing pursuant to Section 11.2 of this Ordinance.



## **SECTION 10.0: AMENDMENTS**

### **Section 10.1: Authorization to Initiate Amendments**

An amendment to the text of this Ordinance or to the official zoning map may be initiated by the Board of County Commissioners, by the Planning and Zoning Commission, or by a property owner. A property owner may initiate a request for an amendment by filing an application with the Zoning Official using forms prescribed in Section 11.5. The application shall be submitted at least twenty (20) working days prior to the meeting of the Planning and Zoning Commission at which it will be considered.

### **Section 10.2: Public Hearing and Records of Amendments**

The Commission shall hold a public hearing on every requested change in zoning district boundaries in accordance with Section 11.2 of this Ordinance. Its recommendations on each requested zone change shall be transmitted to the Nez Perce County Commissioners. No zone change shall be accomplished other than by ordinance duly passed by the Nez Perce Board of County Commissioners. The County Recorder shall maintain records of amendments to this Ordinance in a form convenient for use by the public.

### **Section 10.3: Accordance with Adopted Comprehensive Plan**

The Commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is in accord with the adopted Nez Perce County Comprehensive Plan, the Commissioners may recommend and the Board may adopt or reject the requested change.

If the requested change is not in accord with the adopted Comprehensive Plan, the Commission may either deny the request or recommend to the Board an appropriate amendment to the plan. The Board may adopt or reject the amendment under the procedures provided in Section 67-6509, Idaho Code. After the plan is amended, the zoning map may be amended in conformity therewith.

## **SECTION 11.0: ADMINISTRATIVE PROCEDURE**

### **Section 11.1: Duties of the Planning and Zoning Commission**

The Planning and Zoning Commission shall have jurisdiction and authority as follows:

- (1) To conduct a comprehensive planning process; to prepare a comprehensive plan as required by Sections 67-6508 through 67-6510, Idaho Code; to recommend its adoption by the Board; to prepare implementing measures; and to review and update the comprehensive plan as necessary.
- (2) To receive and act upon applications for actions authorized and specified herein.
- (3) To hold public hearings on applications for variances, conditional use permits, plat approvals and proposed zoning amendments.
- (4) To submit to the Board a report and recommendations on each zoning amendment following public hearing.
- (5) To determine the classification of use not specifically mentioned in this chapter. Such determination shall be based upon a detailed description of the proposed use and such other information as may be required.
- (6) To provide and maintain a continuing program of public information on planning and zoning matters, including reasons or grounds for actions taken.
- (7) To hear appeals from rulings of the Community Development Department.
- (8) To make recommendations to the Board regarding requests for zone changes, comprehensive plan amendments, and preliminary plat approvals concerning land located within the area of City impact.

### **Section 11.2: Rules for Conduct of Public Hearing**

- (1) Public hearing required. Upon the receipt of an application for a conditional use, variance, plat, or an application for a zone change, area of city impact comprehensive plan amendment or an amendment to the text of this Ordinance, a public hearing shall be scheduled.
- (2) Notifications.
  - (a) Each notice of public hearing on an amendment to the text of this Ordinance shall contain the date, time, and place of the hearing, a summary of the proposed amendment, and any other information considered pertinent; and shall be published at least once in a newspaper of general circulation in the county at least fifteen (15) days prior to the hearing.
  - (b) Each notice of public hearing on a conditional use or a variance request, or on an amendment to change the zoning map, shall include as a minimum the date, time, and place of the hearing and a summary of the proposal. The notice shall be published in a newspaper of general circulation in the county at least fifteen (15) days prior to the hearing, and shall, in addition be mailed to the owners of all properties within three hundred (300) feet of the exterior boundary of the property for which the application is made at least eight (8) calendar days prior to the hearing. In variance cases, notices shall be mailed only to owners of adjoining properties, including properties across streets, alleys and rights-of-way. For notice purposes, the names and addresses of owners as shown on the records of the County Assessor may be used.
  - (c) When notice is required to two hundred (200) or more property owners or residents, mailed notice may be omitted. In lieu thereof, public

- announcements of the hearing shall be made on local radio and television stations at least five (5), but not more than fifteen (15) days before the hearing.
- (d) Failure of any person to receive the notice prescribed in this section shall not impair the validity of the hearing.
  - (e) The Commission may recess a hearing to serve further notice upon property owners or persons it determines may be interested in the proposal being considered.
- (3) Conduct of hearings. A public hearing shall be held to determine whether the application is consistent with the policies and goals enumerated in this Ordinance.
- (a) No person shall be permitted to testify at such a hearing until the person has been recognized and called upon by the Commission Chairman or one of the Commission members.
  - (b) All proceedings shall be recorded electronically or stenographically and all persons speaking at such hearings shall speak before a microphone in such a manner as to ensure the accuracy of the recorded testimony and remarks. A person desiring to testify may also submit written testimony at any time prior to the conclusion of the public hearing. Written testimony may be entertained after the close of the public hearing, at the discretion of the chairman.
  - (c) At the commencement of the public hearing, the chairman may establish a time limit to be observed by all speakers.
  - (d) Each Commission member shall be allowed to question the speaker, and the speaker shall be limited to answers to the questions asked. The question and answer period shall not be included in the speaker's time limit that might be established by the chairman. The speaker shall not be interrupted by the Commission until his time has been expended or until he has finished his statement.
  - (e) Any person not conforming to the above rules may be prohibited from speaking during the public hearing. Should such person refuse to comply with such prohibition, he may be removed from the room by order of the chairman.
  - (f) The decision of the Commission shall be announced by findings of fact, conclusions of law, and decision of the hearing body.
  - (g) The public hearing may be continued or recessed to a date certain, or indefinitely, upon motion by the Commission.
  - (h) Cross-examination of persons testifying at the public hearing shall not be permitted. An applicant shall have an opportunity to rebut any testimony submitted.
  - (i) Any exhibit introduced by any person shall be retained by the Commission and made a part of the record therein.
- (4) Content of decisions. All decisions of the Commission, made pursuant to the authority given by this Ordinance, shall include and specify the following:
- (a) The ordinance provisions and standards used in evaluating the application;
  - (b) The reasons for approval or denial;
  - (c) The further actions, if any, that the applicant could take to obtain a permit.
- (5) Decision and appeal. Within five (5) working days after the Commission has adopted findings of fact, conclusions of law and decision of the application, Department of Community Development shall notify the applicant of the decision. The decision is final unless appealed by the applicant or any interested person within fifteen (15) days of the Commission's adoption of findings of fact, conclusions of law and decision.

**Section 11.3: Appeal from Action or Ruling of Planning and Zoning Commission**

- (1) An action or ruling by the Commission pursuant to this Ordinance may be appealed to the Board of County Commissioners, by the person who initiated the action before the Commission or by any person entitled to notice by mail of the action under Section 11.2(2) of this Ordinance within fifteen (15) days after the Commission has adopted findings of fact, conclusions of law and its decision; written notice of the appeal shall be filed with the Board within the fifteen day period. If the appeal is not filed and the fee required by Section 11.6 is not deposited with County Recorder within the fifteen day period, the decision of the Commission shall be final.
- (2) If an appeal is filed and the required fee is deposited within the required time, the Commission shall make a written report of the case to the Board. The Board of County Commissioners may, in its sole discretion and without hearing or notice, refuse to accept jurisdiction of such appeal, in which case the decision of the Commission shall be final and any appeal fees shall be refunded, or it may provide that such appeal shall be heard at a public hearing before the Board, at such time and pursuant to such rules as the Board may determine.
- (3) If a hearing on such appeal is required by the Board, publication of notice of hearing on appeal shall be made as required by Section 11.2(2) of this Ordinance. If a public hearing is conducted by the Board, it shall be conducted as required by Section 11.2(3). At any time after such public hearing, the Board of County Commissioners may affirm, reverse or modify any decision of the Commission, or it may order the case to be returned to the Commission for further proceeding.
- (4) An applicant denied a permit or aggrieved by a decision may, within sixty (60) days after all remedies have been exhausted under this Ordinance, seek judicial review under the procedures provided by Sections 67-5215 and 67-5612, Idaho Code.

**Section 11.4: Reinitiated Hearings on Zoning Amendments, Conditional Use Permits, and Variance Permits**

No person, except the Commission or the Board, shall reinitiate an application for a zone amendment, conditional use permit, or variance permit for any property for which a previous application has been submitted and denied, within one year after final determination of such application. This limitation shall not apply where a material change in circumstances has occurred since the date of denial.

**Section 11.5: Forms of Petitions, Applications and Appeals**

All petitions, and applications provided in this Ordinance shall be made on forms prescribed by the City Clerk, City of Lewiston. Appeals shall be made on forms prescribed by the County Auditor.

**Section 11.6: Filing Fees**

Applicants for variances, conditional uses, zone changes and mobile home spaces, shall, at the time of filing the application, pay the following fees:

- (1) Variance: \$150.00;
- (2) Conditional Uses: \$200.00;
- (3) Zone Change: \$300.00 for first acre, plus \$10.00 for each additional acre or portion thereof;
- (4) Mobile home spaces: \$2.00 per lot or \$35.00, whichever sum shall be greater;
- (5) Comprehensive Plan Amendment: \$300.00 for first acre plus \$10.00 for each

additional acre or portion thereof.

Any person appealing a decision of the Commission to the Board shall, at the time of filing written notice of appeal, deposit with the County Recorder an appeal fee as follows: for appeal of a decision of the Community Development Department, \$50.00; appeal of a decision on a variance request, \$50.00; appeal of a decision on a zone change or conditional use request, \$50.00; provided, however, that if an appeal is brought by a person who was the original applicant for a variance, conditional use permit or zone change, any fees paid by such person at the time of the original application should be applied to the appeal fee.

**Section 11.7: Time Limit on Permit for Conditional Use or Variance**

Authorization of a conditional use or a variance shall be void after six (6) months unless a building permit pursuant thereto has been obtained. However, the Board may extend this period on the written request of the applicant if received prior to the expiration date.

**Section 11.8: Zoning Certificate Required**

It shall be unlawful for an owner to use or to permit the use of any structure, building, land or part thereof hereafter create, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate, which may be a part of the building permit, shall have been issued by the building inspector or his (her) authorized representative.

**Section 11.9: Duties of the Nez Perce County Planner and the City Department of Community Development.**

- (1) It shall be the duty of the Nez Perce County Planner to:
  - (a) Issue building permits for construction, repair and alterations.
  - (b) Issue a stop work order when a structure is or is proposed to be located, constructed, maintained, repaired, altered or used in a manner not prescribed by this Ordinance, the violation of which order shall be an offense under this Ordinance.
  - (c) Conduct inspection of buildings and structures for:
    - (1) Location on the property with respect to property lines.
    - (2) Location on the property with respect to uses allowed and uses permitted.
    - (3) Determination of compliance with the terms and conditions of this Ordinance.
  - (d) Maintain permanent records of all inspections and determinations made involving the inspections of buildings, structures and the use of lands to insure continuous compliance with the terms of this Ordinance.
- (2) It shall be the duty of the City of Lewiston Community Development Department to enforce the provisions of this Ordinance and in addition thereto and in furtherance of said authority, he, or his authorized representative, shall:
  - (a) Order the abatement of violations of the zoning ordinance, the violation of which order shall be an offense under this Ordinance.
  - (b) Aid in the prosecution of such violations.
  - (c) Receive and examine applications for zone changes and maintain permanent records thereof.
  - (d) Maintain permanent and current records of applications for all reclassifications, variances and conditional use permits and of the hearings and actions thereon.
  - (e) Receive, file and transmit to the Commission all applications, petitions and other communications upon which the Commission is required hereby

- to act.
- (f) Present such information before the Board as may be required to give background on matters forwarded to it by the Commission.
- (3) An appeal from a ruling of the Community Development Department may be made in writing to the Commission by an affected person, within fifteen (15) days of the ruling. Notices of the appeal shall be sent to all adjacent property owners, giving the date and time the Board will hear the appeal.

## **SECTION 12.0: REMEDIES**

### **Section 12.1: Penalty**

A willful violation of any provision of this Ordinance shall be a misdemeanor. Each day that a violation occurs shall constitute a separate offense. Each misdemeanor shall be punishable by up to six (6) months in jail and up to a three hundred dollar (\$300.00) fine or both.

### **Section 12.2: Alternative Remedy**

In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered or used, or the land proposed to be used, is in violation of this Ordinance, the building or land in violation shall constitute a nuisance, and the County may, as an alternative to other remedies that are legally available for enforcing this Ordinance, institute an injunction, abatement, or other appropriate proceeding to prevent, enjoin, temporarily or permanently abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

## **SECTION 13.0: REPEAL OF PRIOR ORDINANCES**

### **Section 13.1: Repeal of Ordinances**

Nez Perce County Ordinances Numbers 46 and 47, the Area of Impact Zoning Ordinance and Amendment to Ordinance Number 46, are hereby repealed.



This Ordinance is duly approved and adopted by the Board of Nez Perce County Commissioners on this twenty second day of April, 1991.

BOARD OF COUNTY COMMISSIONERS  
NEZ PERCE COUNTY, IDAHO

BY: \_\_\_\_\_  
Leonard E. Williams, Chairman  
Nez Perce County Commissioners

\_\_\_\_\_  
Ervin W. Hill, Member  
Nez Perce County Commissioners

\_\_\_\_\_  
Earl J. Ferguson, Member  
Nez Perce County Commissioners

ATTEST:

\_\_\_\_\_  
BETTY J. WILSEY, Clerk  
Nez Perce County, Idaho