

9-1-2: DEFINITIONS:

CONTRACTOR'S YARD: Any lot, or portion thereof, used for the storage, maintenance or repair of equipment or supplies in conjunction with the construction of roads, structures, etc., or used for the processing of materials in conjunction with said construction projects. ~~Said use is deemed to be temporary for the duration of the project.~~ Contractor's yard may include construction of associated structures as allowed by Ponderay City Code.

ARTICLE C. COMMERCIAL ZONE

9-4C-1: GENERAL APPLICATION:

This article provides which uses are permitted in the commercial zone and the restrictions for such uses, and those uses for which a special use permit is required. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

9-4C-2: LOT RESTRICTIONS AND ACCESS REQUIREMENTS:

- A. Open Space: A minimum of twenty five percent (25%) of the total lot area must remain as open space, free of structures, unless otherwise specifically permitted by the planning and zoning commission.
- B. Compliance Required: No building in the commercial zone shall be altered, erected, reconstructed or moved except in conformance with the provisions of this title and the requirements of this zone.
- C. Parking Space Requirements: All uses in the commercial zone shall meet the minimum parking space requirements as provided in chapter 5, article E of this title.
- D. Signs And Advertising Structures¹: Signs and advertising structures, when adjacent to or alongside of a state highway, must comply with the regulations of the Idaho state transportation department and this title.
- E. Green Space: Consistent with the surrounding uses and aesthetics, "green space", as defined by subsection 9-1-2B of this title, of not less than ten percent (10%) nor more than twenty five percent (25%) of the total lot area, is required. Any area designated to be green space shall be counted toward the area required as open space by this subsection.
- F. Access: All lots in the commercial zone shall have at least one existing "legal access" to a public street as defined in subsection 9-1-2B of this title.
- G. Site Plan: Any site plan submitted for the development of property within the commercial zone shall include sidewalks and/or bicycle paths adjacent to any city street or paved public road bordering the property, if required by the commission or the city council; provided, that nothing herein shall require the construction of sidewalks and/or bicycle paths adjacent to the city street or paved public road bordering property fully developed on the effective date hereof. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

9-4C-3: USES PERMITTED:

The following uses are permitted in the commercial zone:

Churches, community halls, lodges.

Hospitals, sanitariums, clinics and veterinary clinics.

Personal and financial services; incidental repair and maintenance services and servicing.

Theatres and entertainment facilities; eating and drinking establishments, microbreweries and wineries

Rental warehouses and ministorage, provided the location is three hundred feet (300') or farther from the centerline of the nearest arterial as defined under subsection 9-1-2B of this title.

Storage of products, materials, inventory and equipment, providing all such products, materials, inventory and equipment are stored indoors or within the perimeter of a sight obscuring fence.

Transient residential uses (i.e., motel, hotel, and RV parks).

Wholesale and retail sales of up to 20,000 square feet. (Ord. 6-2e, 2000; Ord. 6-2f, 2002; Ord. 2007-5, 6-4-2007)

Single-family dwellings; duplex dwellings; multiple-family dwellings providing that less than six residential units are allowed per parcel of land without a special use permit, also providing that on the ground floor of primary commercial frontages as determined by the planning director, only 20 feet of said primary commercial frontage width in the fronting 100 feet of the parcel depth, of any given parcel of land may be occupied by residential uses.

9-4C-4: SPECIAL USES:

The following uses are permitted in the commercial zone with a special use permit:

Animal clinics, orphanages, hospitals, boarding kennels and runs, animal training schools:

A. Minimum Area: No special minimum area.

B. Housing Of Animals: All animals will be housed in permanent structures which can be physically enclosed during nighttime hours. Excluding farm animals, but they must be in a fenced area.

C. Distance From Dwellings: All buildings and fenced running areas will be a minimum of three hundred feet (300') from any existing dwelling other than that of the owner.

D. Prevention Of Nuisance: The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance.

Auto Wrecking Yard:

~~A.~~

A. -Minimum area: Five (5) acres.

B. A sight obscuring fence must be constructed around the entire storage area, a minimum of eight feet (8') in height or higher to conceal the sight of public nuisance.

C. No materials, parts, automobiles or junk will be visible from any public right of way.

D. A performance bond may be required for assurance of compliance with the provisions of this special use; said bond will be renewable every two (2) years, after inspection of the premises determines the advisability of such a renewal.

Daycare centers, but not schools.

Heliports.

Light industrial which meets the following criteria:

A. Carried on in such a manner as to not create a hazard of fire or explosion.

B. All byproducts, emissions, waste and other discharges must meet the minimum standards of all local, state and federal agencies with jurisdiction, including, but not limited to, EPA, health district, sewer district and sanitary landfill district. In addition, said use shall not negatively impact adjoining and/or adjacent properties.

C. All storage of materials, equipment, supplies, etc., must either be indoors or contained within a six foot (6') high, sight obscuring fence. Storage of hazardous, flammable or explosive materials must be in accordance with Northside fire department requirements.

Mobile home parks.

Outdoor theater.

Recreational facilities; amusement parks and facilities

Wholesale and retail sales with building footprints greater than 20,000 square feet.

Public utility complex facility:

- A. Minimum Area: No minimum area required.
- B. Land Coverage: The area of land covered by buildings shall not exceed thirty five percent (35%) of the total lot area.
- C. Considerations: In considering applications, the planning and zoning commission shall consider the public convenience and necessity of the facility. The planning and zoning commission will also consider any adverse effect that the facility will have upon properties in the vicinity and may require such reasonable restrictions or conditions of development; or protective improvements as to uphold the purpose and intent of this title and the comprehensive plan.
- D. Conditions: Specified conditions with respect to emissions of noise, particular matters or vibrations may be prescribed differently from those required in a given district, as to be compatible with other applicable state and federal standards.

Servicing, repair and maintenance of equipment and products.

Contractor's Yard

Multiple-family dwellings having six or more total residential units per parcel of land.

Temporary buildings or structures may be permitted in the commercial zone for a period not to exceed ninety (90) days for the purpose of special sales, demonstrations, advertisements, displays or the like, but such temporary facilities shall be removed on expiration of the special sale, demonstration, advertisement, display, etc., or ninety (90) days, whichever is shorter. Such facilities may remain beyond ninety (90) days upon a showing of good cause and written permission issued by the planning and zoning commission and approved by the city council.

Temporary residential structure:

- A. The use shall carry a specified time limit for removal not to exceed a one year period. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

ARTICLE D. INDUSTRIAL ZONE

9-4D-1: GENERAL APPLICATION:

This article provides which uses are permitted in the industrial zone and the restrictions for such uses, and those uses for which a special use permit is required. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

9-4D-2: LOT RESTRICTIONS AND ACCESS REQUIREMENTS:

- A. Lot Size: Minimum lot size shall be fifteen thousand (15,000) square feet.
- B. Compliance Required: No building in the industrial zone shall be altered, erected, reconstructed or moved except in conformance with the provisions of this title and the requirements of this zone.
- C. Parking Space Requirements: All uses in the industrial zone shall meet the minimum parking space requirements as provided in chapter 5, article E of this title.
- D. Green Space: In the discretion of the planning and zoning commission, and consistent with the surrounding uses and aesthetics, "green space" as defined by subsection 9-1-2B of this title, not to exceed twenty five percent (25%) of the total lot area, may be required.
- E. Access: All lots in the industrial zone shall have at least one existing "legal access" to a public street as defined in subsection 9-1-2B of this title.
- F. Additional Specific Conditions: The planning and zoning commission and the city may add specific conditions to any industrial district to require compatibility with surrounding uses and to assure compliance with the intent of this title and the health and safety of the public. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

9-4D-3: USES PERMITTED:

The following uses are permitted in the industrial zone:

Golf courses and other athletic facilities.

Manufacturing, processing, fabrication or assembly of products that meet the following criteria:

- A. Carried on in such a manner as to not create a hazard of fire or explosion.
- B. All byproducts, emissions, waste and other discharges must meet the minimum standards of all local, state and federal agencies with jurisdiction, including, but not limited to, EPA, health district, sewer district and sanitary landfill district. In addition, said use shall not negatively impact adjoining and/or adjacent properties.
- C. All storage of materials, equipment, inventory, supplies, etc., must either be indoors or contained within a six foot (6') high, sight obscuring fence. Storage of hazardous, flammable or explosive materials must be in accordance with Northside fire department requirements. All storage structures must comply with the structure setback requirements of this title.

Storage. All storage must be indoors or within a six foot (6') high, sight obscuring fence. All storage structures must comply with the structure setback requirements of this title; provided, no commercial sales shall be permitted from such storage facility.

Contactor's Yard

Sales of goods produced on site

9-4D-4: SPECIAL USES:

The following uses are permitted in the industrial zone with a special use permit:

Animal clinics, orphanages, hospitals, boarding kennels and runs, animal training schools:

- A. Minimum Area: No special minimum area.
- B. Housing Of Animals: All animals will be housed in permanent structures which can be physically enclosed during nighttime hours. Excluding farm animals, but they must be in a fenced area.

Auto wrecking yards:

- A. Minimum area: Five (5) acres.
- B. A sight obscuring fence must be constructed around the entire storage area, a minimum of eight feet (8') in height or higher to conceal the sight of public nuisance.
- C. No materials, parts, automobiles or junk will be visible from any public right of way.

D. A performance bond may be required for assurance of compliance with the provisions of this special use; said bond will be renewable every two (2) years, after inspection of the premises determines the advisability of such a renewal.

Food processing plants, not including slaughterhouses and rendering plants.

Heliports.

Plants for the manufacture of explosives.

Public utility complex facility:

A. Minimum Area: No minimum area required.

B. Land Coverage: The area of land covered by buildings shall not exceed thirty five percent (35%) of the total lot area.

C. Considerations: In considering applications, the planning and zoning commission shall consider the public convenience and necessity of the facility. The planning and zoning commission will also consider any adverse effect that the facility will have upon properties in the vicinity and may require such reasonable restrictions or conditions of development; or protective improvements as to uphold the purpose and intent of this title and the comprehensive plan.

D. Conditions: Specified conditions with respect to emissions of noise, particulate matter or vibrations may be prescribed differently from those required in a given district, as to be compatible with other applicable state and federal standards.

Rental warehouses and ministorages, provided the location is three hundred feet (300') or farther from the centerline of the nearest arterial as defined under subsection 9-1-2B of this title.

A. No outdoor storage or commercial sales of any kind.

B. All lighting shall be confined to the premises and shall produce no glare visible from adjacent properties or rights of way. (Ord. 6-2e, 2000; Ord. 6-2f, 2002; Ord. 2007-5, 6-4-2007)

ARTICLE A. RURAL ZONE

9-4A-1: GENERAL APPLICATION:

This article provides which uses are permitted in the rural zone and the restrictions for such uses, and those uses for which a special use permit is required. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

9-4A-2: MINIMUM LOT SIZE AND ACCESS REQUIREMENTS:

- A. Lot Size: The minimum lot size for property in the rural zone is three (3) acres.
- B. Access: All lots in the rural zone shall have at least one existing "legal access" as defined in section 9-1-2 of this title. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

9-4A-3: USES PERMITTED:

The following uses are permitted in the rural zone:

Agricultural pursuits, which include forestry, cultivation of land, storage of related agricultural products and equipment, floriculture, horticulture, nurseries, greenhouses, vineyards, truck gardening, animal and poultry husbandry, and general farming.

Bed and breakfasts.

Churches, grange halls and other nonprofit, public or private, community facilities.

Home occupations as defined in subsection 9-1-2B of this title.

Public and private schools, except where students are kept under restraint.

Roadside stand that is not more than three hundred (300) square feet for the sale of agriculture products from the premises.

Schools, preschools, daycare centers, colleges and universities.

Contractor's Yards

Single-family dwelling, duplex dwelling, and manufactured homes used as a single-family dwelling. (Ord. 6-2e, 2000; Ord. 6-2f, 2002; Ord. 2007-5, 6-4-2007)

9-4A-4: SPECIAL USES:

The following uses are permitted in the rural zone with a special use permit:

Golf courses and athletic facilities.

- A. Minimum Area: No special minimum area.
- B. Site Development Plan: Subject to approval, by the planning and zoning commission, of a detailed site development plan showing parking, traffic circulation, access, landscaping and structures.

Mobile home parks.

Multiple-family dwellings.

Public utility complex facility.

- A. Minimum Area: No minimum area required.
- B. Land Coverage: The area of land covered by buildings shall not exceed thirty five percent (35%) of the total lot area.
- C. Considerations: In considering applications, the planning and zoning commission shall consider public convenience and necessity of the facility. The planning and zoning commission will also consider any adverse effect that the facility will have upon properties in the vicinity and may require such reasonable restrictions or conditions of development; or protective improvements as to uphold the purpose and intent of this chapter and the comprehensive plan.
- D. Conditions: Specified conditions with respect to emissions of noise, particulate matter or vibrations may be prescribed differently from those required in a given district, as to be compatible with other applicable state and federal standards.

Radio and television towers (commercial).

- A. Minimum Area: The base of any tower shall not be closer to any property line than a distance of one and one-half ($1\frac{1}{2}$) times the height of the tower.

Veterinary clinics, orphanages, hospitals, boarding kennels, animal clinics, and animal training schools.

- A. Minimum Area: No special minimum area.
- B. Housing Of Animals: All animals will be housed in permanent structures which can be physically enclosed during nighttime hours, excluding farm animals, but they must be in a fenced area.
- C. Distance From Dwellings: All buildings and fenced running areas will be a minimum

of three hundred feet (300') from any existing dwelling other than that of the owner.

- D. Prevention Of Nuisance: The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

Rental warehouses, boat and/or recreational vehicle storage or ministorage

- A. A minimum of Five (5) acres is required.
- B. Setbacks
 - 1. Structures shall not be located within three-hundred feet (300') from the edge of right-of-way of the nearest arterial as defined under subsection 9-1-2B of this title. The Planning and Zoning Commission may authorize a setback reduction to not less than one-hundred-fifty feet (150') from the edge of right-of-way of the nearest arterial as defined under subsection 9-1-2B of this title, when it can be documented that adequate screening exists onsite. In the event that a setback reduction is granted a condition shall be placed to ensure the screening is retained.
 - 2. All side and rear yard setbacks shall be increased to not less than 25-feet.
- C. Site shall have direct access onto a public right-of-way.
- D. The use, any appurtenant structures and fencing shall be so arranged on the land as to minimize any adverse effects on the surrounding properties and rights-of-ways.
- E. A maximum of 35% of the total lot or parcel, may be used as a storage facility. The storage facility shall include storage structures, associated parking areas and fire lanes, that are located within fenced storage facility boundary.
- F. The exterior of all buildings shall be designed in a manner that is consistent with the rural character of the area.
- G. Fencing shall compliment the exterior building materials (similar color, materials and/or detailing) of the storage buildings, be of an agricultural nature or shall be obscured from view with landscaping and shall be maintained and kept in good repair.
- H. A landscape buffer 25-feet in width shall be installed and maintained around the perimeter of the site, which shall include evergreen trees a minimum of 4-feet in height and spaced no more than 15' on center. Or documentation demonstrating that an adequate buffer is provided by the existing natural vegetation. Exception: Storage located within existing agricultural buildings or new construction on active farm land providing a minimum of 90% open space.

- I. Outdoor storage shall be accessory to the indoor storage facility and shall be limited to major recreational equipment, including travel trailers, recreational vehicles, watercraft, boats or similar, vehicles or equipment.
- J. Units shall not be used as dwellings or as a commercial, service, repair or industrial place of business. The manufacturing, commercial repair or sale of items from or at a rental warehouse, mini storage or boat storage facility is specifically prohibited.
- K. If the property abuts rural or residential zoned property or property which is developed with a residence at the time of construction, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- L. All lighting shall be shielded and downward directed so as to confine lighting to the premises and produce no glare on adjacent properties or rights of way. External lighting shall be activated by motion and or activity within the facility.
- M. No portion of the above restrictions relating to storage shall be construed in a manner that shall inhibit agricultural pursuits.

