

ORDINANCE NO. \_\_\_\_  
DRAFT #5  
February 8, 2018

AN ORDINANCE OF THE CITY OF ATHOL, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ATHOL CITY CODE BY AMENDING TITLE 1, CHAPTER 7 TO DELETE THE CHAPTER; AMENDING SECTION 2-1-1 TO ALLOW ALCHOLIC BEVERAGES ON CITY PROPERTY BY SPECIAL EXCEPTION; AMENDING SECTION 2-2-3 REGARDING FEES SET BY RESOLUTION; AMENDING TITLE 2, TO ADD CHAPTER 3 TO ESTABLISH REQUIREMENTS FOR DOOR TO DOOR SOLICITATION; AMENDING TITLE 2, TO ADD CHAPTER 4 TO ESTABLISH REQUIREMENTS FOR GENERAL BUSINESS LICENSES; AMENDING TITLE 4, CHAPTER 3 TO CONSOLIDATE REQUIREMENTS FOR KEEPING OF ANIMALS; AMENDING TITLE 6, CHAPTER 2 REGARDING FEES AND TO BE CONSISTENT WITH OTHER REQUIREMENTS OF THE SAME CHAPTER; AMENDING TITLE 6, CHAPTER 4, SECTION 6-4-2 TO REVISE A DEFINITION; AMENDING TITLE 6, CHAPTER 6 TO ADD REQUIREMENTS FOR PARKING WITHIN PUBLIC RIGHTS-OF-WAY; AMENDING TITLE 7, CHAPTER 1, SECTION 7-1-2 TO REVISE REQUIREMENTS FOR BUILDING LOCATION PERMITS; AMENDING TITLE 7, CHAPTER 1, SECTION 7-1-3 TO REVISE TIME FRAMES AND ELIGIBILITY FOR SITE DISTURBANCE PERMITS; AMENDING TITLE 8, CHAPTER 1, SECTION 8-1-4 TO REVISE ADD AND DELETE NUMEROUS DEFINITIONS; AMENDING TITLE 8, CHAPTER 2, SECTION 8-2-2 TO CLARIFY CODE ENFORCEMENT PROCEDURES AND PENALTIES; AMENDING TITLE 8, CHAPTER 6, SECTION 8-6-2 TO CLARIFY PROCEDURES FOR VARIANCES; AMENDING TITLE 8, CHAPTER 8A, TO REVISE PERMITTED PRIMARY USES, ACCESSORY USES AND SPECIAL USES IN THE RESIDENTIAL ZONE; AMENDING TITLE 8, CHAPTER 8A, SECTION 8-8A-6 TO REVISE REQUIREMENTS FOR SETBACKS AND FENCES; AMENDING TITLE 8, CHAPTER 8B, SECTION 8-8B-2 TO REVISE PERMITTED PRIMARY USES IN THE COMMERCIAL ZONE; AMENDING TITLE 8, CHAPTER 8B, SECTION 8-8B-4 TO REVISE THE SPECIAL USES OF THE ZONE; AMENDING TITLE 8, CHAPTER 8B, SECTION 8-8B-5 TO ESTABLISH STANDARDS FOR LOT SIZE AND ROAD FRONTAGE, AMENDING TITLE 8, CHAPTER 8B, SECTION 8-8B-6 TO CLARIFY REQUIREMENTS AND ESTABLISH A LOT COVERAGE STANDARD; AMENDING TITLE 8, CHAPTER 8C, SECTION 8-8C-2 TO REVISE THE APPROVAL AUTHORITY AND AMEND PERMITTED PRIMARY USES; AMENDING TITLE 8, CHAPTER 8C, SECTION 8-8C-5 TO CLARIFY STANDARDS FOR LOT SIZE AND ROAD FRONTAGE; AMENDING TITLE 8, CHAPTER 8C, SECTION 8-8C-6 TO CLARIFY REQUIREMENTS FOR FENCES AND ESTABLISH A STANDARD FOR LOT COVERAGE; AMENDING TITLE 8, CHAPTER 8C, SECTION 8-8C-8 TO CLARIFY REQUIREMENTS FOR PARKING; AMENDING TITLE 8, CHAPTER 10 TO REVISE REQUIREMENTS FOR MOBILE, MANUFACTURED, AND MODULAR HOMES; AMENDING TITLE 8, TO DELETE CHAPTER 11, REMOVING STANDARDS FOR MANUFACTURED/MOBILE HOME PARKS; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-5 TO ELIMINATE COUNCIL APPROVAL OF PARKING PLANS; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-6 TO REVISE THE APPROVAL AUTHORITY; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-7 TO REVISE THE REQUIREMENTS FOR PARKING LOT SURFACING; AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-8 D. TO REVISE THE APPROVAL AUTHORITY;

AMENDING TITLE 8, CHAPTER 12, SECTION 8-12-9 TO REVISE THE APPROVAL AUTHORITY; AMENDING TITLE 8, CHAPTER 14 TO REVISE THE REQUIREMENTS FOR NONCONFORMITIES; AMENDING TITLE 9, CHAPTER 3, SECTION 9-3-5 B.10. TO CLARIFY LANGUAGE FOR FINANCIAL GUARANTEES; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

IT IS ORDAINED by the mayor and city council of the City of Athol, Kootenai County, Idaho as follows:

**Section 1:** That Title 1, Chapter 7, Elections, of the Athol City Code shall be deleted in its entirety.

**Section 2:** That Section 2-1-1 of the Athol City Code shall be amended to read as follows:

**2-1-1: CONSUMPTION OR OPEN CONTAINERS IN PUBLICLY OWNED PLACES:**

A. It shall be unlawful for any person to consume any beer, wine or intoxicating liquor, or to have in his possession any opened or open container or receptacle containing beer, wine or intoxicating liquor in or on any publicly owned park, grounds or buildings within the city. Special exceptions to this prohibition may be granted by express authority of the City Council when the use or activity is of general community benefit or of particular benefit to the City. Approval of any such exception shall be evidenced by a permit or letter of authorization to that effect which shall be exhibited to any employee of the City upon request.

B. Violation of subsection A of this section shall be deemed a misdemeanor.

**Section 3:** That Section 2-2-3 B.1. of the Athol City Code shall be amended to read as follows:

B. License Fees:

1. The annual license fee, as set forth in the most current fee resolution, of one thousand dollars (\$1,000.00) shall be paid to the city at the time the license application is submitted.

**Section 4:** That Title 2 of the Athol City Code shall be amended to add Chapter 3 as follows:

DOOR TO DOOR SOLICITATION

2-3-1: AUTHORIZATION:

2-3-2: PURPOSE:

2-3-3: REGISTRATION REQUIRED:

2-3-4: REGISTRATION FEE:

2-3-5: REQUIRED INFORMATION:

2-3-6: ELIGIBILITY:

2-3-7: TERM AND UPDATING PRODUCT INFORMATION:

2-3-8: IDENTIFICATION AND DISPLAY OF REGISTRATION:

2-3-9: PROHIBITED CONDUCT:

2-3-10: EXEMPTIONS:

2-3-11: VIOLATIONS AND PENALTIES:

2-3-1: AUTHORIZATION:

This chapter is enacted pursuant to the city's general police power and the authority granted to cities by article 12, section 2 of the Idaho constitution and Idaho Code section 50-302.

2-3-2: PURPOSE:

The purpose of this chapter is to regulate the activities of door to door solicitors in order to protect against criminal activity, including fraud and burglary, to minimize the unwelcome disturbance of citizens and the disruption of privacy, and to otherwise preserve the public health, safety and welfare of citizens of the city.

This chapter is not intended to prohibit or hamper speech which is protected by the first amendment but merely to regulate specific activities which are commercial in nature.

2-3-3: REGISTRATION REQUIRED:

It is unlawful for any person to solicit door to door without first registering with the city of Athol unless exempt by state or federal law.

For the purposes of this chapter, "door to door solicitation" means any unsolicited contact by a person with any person at a residence or dwelling in the city of Athol.

2-3-4: REGISTRATION FEE:

A registration fee in the amount set by resolution of the city council must be paid at the time the registration application is submitted.

2-3-5: REQUIRED INFORMATION:

Applicants for registration must present a current government issued photo identification to the city clerk, allow the clerk to take a photograph of the applicant, and fill out a registration application to be provided by the city clerk, including the following information:

- A. Name and permanent home address of the applicant;
- B. A brief description of the nature of the business and the goods or services to be sold or provided;
- C. Name and address of the person's employer, together with an explanation of the exact relationship between the person and the employer;
- D. Length of time for which the door to door solicitation will occur;

E. A statement as to whether or not the person has been convicted of any crime or violation of any municipal ordinance, the nature of the offense and where the offense was committed.

2-3-6: ELIGIBILITY:

Persons convicted of a felony within five (5) years prior to the date of application are prohibited from door to door soliciting within the city limits of Athol.

2-3-7: TERM AND UPDATING PRODUCT INFORMATION:

A. A new registration must be filed with the city clerk annually.

B. Each registrant must submit a revised product and/or services description, on a form provided by the city clerk, before selling door to door any products or services not listed on the original registration application.

2-3-8: IDENTIFICATION AND DISPLAY OF REGISTRATION:

All registrants must visibly display the city issued proof of registration on the outside of their clothing any time they are soliciting within the city limits of Athol.

2-3-9: PROHIBITED CONDUCT:

A. No person, registered or not, shall solicit business at any home or business when such location has clearly posted any sign indicating that solicitation or peddling is prohibited.

B. No person, registered or not, shall continue with door to door solicitation at any home or business when requested to leave by the owner, authorized agent of the owner, or any other person that resides or works on the premises.

C. No person may provide false information on a registration or background check application.

D. No person, registered or not, may conduct door to door solicitations before nine o'clock (9:00) A.M. or after seven o'clock (7:00) P.M.

E. No person, registered or not, may misrepresent the purpose of or affiliation of those engaged in the solicitation, or make misrepresentations or false statements when conducting the solicitation.

F. No person, registered or not, may represent that the city of Athol endorses the solicitation.

2-3-10: EXEMPTIONS:

The fee provisions of this chapter do not apply to persons qualifying as a nonprofit business, including charitable activities, within the meaning of section 503 of the United States internal revenue code. Possession of a certificate of such status from the internal revenue service is required to qualify for this exemption.

2-3-11: VIOLATIONS AND PENALTIES:

Any person violating any of the mandatory provisions or requirements of this chapter is guilty of an infraction or misdemeanor as follows:

A. Initial violations of any provision are an infraction subject to a fine of one hundred dollars (\$100.00).

B. Second and third violations of the same section are an infraction subject to a fine of three hundred dollars (\$300.00).

C. Any additional violations of the same section are a misdemeanor punishable as provided in section 1-4-1 of this code.

**Section 5:** That Title 2 of the Athol City Code shall be amended to add Chapter 4 as follows:

GENERAL BUSINESS LICENSE

2-4-1: PURPOSE:

2-4-2: APPLICABILITY:

2-4-3: LICENSE REQUIRED:

2-4-4: EXEMPTIONS:

2-4-5: LICENSE APPLICATION:

2-4-6: LICENSE FEE:

2-4-7: DISPLAY OF LICENSE:

2-4-8: CHANGE OF OWNERSHIP, MANAGEMENT, NATURE OF BUSINESS OR LOCATION OF BUSINESS:

2-4-9: COMPLIANCE WITH LAWS:

2-4-10: FAILURE TO COMPLY:

2-4-11: SUSPENSION OR REVOCATION OF LICENSE:

2-4-12: APPEAL:

2-4-1: PURPOSE:

The purpose of this chapter is to provide personnel charged with the responsibility of protecting the health and safety of the public and the environment with information relating to business operations within the city that will aid them in providing police, fire, and environmental protection as well as information regarding contact persons in the event of an emergency. It is the further purpose of this chapter to provide the city with information regarding the types of businesses operating within the community in order to facilitate recruitment and retention of businesses and to further the economic development of the community.

2-4-2: APPLICABILITY:

The provisions of this chapter shall be applicable to all wholesale and retail businesses and all activities, occupational callings, trades, pursuits or professions that conduct business from a location within the city of Athol with the object of gain, profit, benefit or advantage or that operate a business at a special event, or uses the public right of way for a special event, on a temporary basis, including mobile food vendors. Each business location shall be deemed a separate business unless it is a specific annex to the main location of the business. The license is not intended to repeal any license or franchise provisions of any other ordinance of the city of Athol, nor is the license to be considered a waiver of any other requirements of compliance with any federal, state and local laws.

2-4-3: LICENSE REQUIRED:

A. No person shall engage in any business within the city of Athol for which licensing is required by this chapter, without having submitted a license application to the City Clerk and receiving a general business license in accordance with the provisions of this chapter. This license shall be in addition to any other license or permit required by other sections of this Code. Such license shall be valid so long as the ownership, management, nature of the business or location of the business remains unchanged.

B. No person shall engage in any temporary business within the city of Athol for which licensing is required by this chapter, without having submitted a temporary license application to the community development department or a designee and receiving a general business license in accordance with the provisions of this chapter. Such license shall be valid for no more than seven (7) days. Persons having a general business license are exempt from obtaining a temporary business license when engaging in business at a special event.

#### 2-4-4: EXEMPTIONS:

A. The fee provisions of this chapter shall not apply to:

1. Persons qualifying as a nonprofit business, including charitable activities, within the meaning of section 503 of the United States internal revenue code. Possession of a certificate of such status from the internal revenue service shall be required to qualify for this exemption.

2. Any agency of the United States government and any political subdivision of the state of Idaho.

3. Persons who occupy space at a flea market or farmer's market, but shall apply to the operator of the flea market or farmer's market.

B. In addition, both the fee and license provisions of this chapter shall not apply to:

1. Persons who make occasional sales of their own household property not more than twice each calendar year;

2. Domestic servants, newspaper carriers or casual labor not included as temporary employees of a regularly conducted business;

3. Lessors of any residential property having one or two (2) family units.

#### 2-4-5: LICENSE APPLICATION:

A general or temporary license application shall be provided by the City Clerk or a designee and the application shall contain information including, but not limited to, the name, residence address and residence phone number of the owner and manager of the business, the street and mailing address of the place of business, the business phone number, and the nature of the business to be conducted at such address or special event, and any other information deemed necessary by the city for the health and safety of emergency service personnel or utility service providers. Every application shall be personally signed by the owner or his agent. The application shall be submitted no less than ten (10) business days prior to the date on which business will be commenced.

#### 2-4-6: LICENSE FEE:

A license fee in an amount set by resolution of the city council shall be paid at the time the application is submitted to the city clerk or a designee and/or prior to the issuance of a general or temporary business license.

2-4-7: DISPLAY OF LICENSE:

Every business required under this chapter to obtain a general or temporary business license shall display such license in a prominent location upon the business premises or the event location in the case of a temporary business. No business shall loan, sell, give or assign to any other person or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession any license which has been issued to said business.

2-4-8: CHANGE OF OWNERSHIP, MANAGEMENT, NATURE OF BUSINESS OR LOCATION OF BUSINESS:

A. Whenever the ownership, nature of the business or location of any business within the city is changed, a new license application reflecting the change shall be presented to the city clerk or a designee within ten (10) days of said change. The date of the issuance of the new license shall be the new anniversary date for license renewal.

B. Whenever the management of the business changes, the city clerk or a designee shall be notified in writing of the name of the new manager, residence address and residence phone number of the new manager.

2-4-9: COMPLIANCE WITH LAWS:

Licensees shall comply with all applicable federal, state and local laws and regulations.

2-4-10: FAILURE TO COMPLY:

A general business license may be denied, suspended or revoked for failure of the applicant to comply with the provisions of this chapter, or failure to comply with other requirements of Athol City Code.

2-4-11: SUSPENSION OR REVOCATION OF LICENSE:

In the event it is brought to the attention of the city clerk that a violation has taken place, before revoking or suspending such license, the city clerk shall cause notice to be served upon the licensee, setting forth in general terms the violation or violations claimed to have been committed and such notice shall provide a time for hearing thereon by the city council which date shall not be less than five (5) days or more than thirty (30) days from the date of the service of the notice, and upon or following the hearing, if the city council shall find that the provisions of this chapter have been violated or the license was issued in error, the city clerk is authorized to revoke or suspend such license and no refund of any unused portion of the license fee shall be made to the licensee.

2-4-12: APPEAL:

Any applicant who has made application for a license under the provisions of this chapter and who has been denied such a license, or any person holding a license which is revoked or suspended under the provisions of this chapter, may request a hearing before the city council.

**Section 6:** That Title 4, Chapter 3 of the Athol City Code shall be amended to read as follows:

4-3-1: DEFINITIONS

~~4-3-24-3-1~~ : LIVESTOCK ANIMALS RUNNING AT LARGE:

4-3-1: DEFINITIONS

KENNEL: A place where four (4) or more adult dogs or cats, or any combination thereof, are kept or boarded. An adult dog or cat shall be construed to mean an animal of either sex, altered or unaltered, that has reached the age of six (6) months. Other domesticated animals commonly construed to fall under the generalized term of household pets shall also be subject to this definition (i.e., ferrets, guinea pigs, and mice). Kennels are addressed in Title 8 of this code.

LARGE ANIMAL: Animals including, but not limited to, horses, donkeys, burros, mules, llamas, bovines, alpacas, goats, sheep, swine, and other animals or livestock of similar size and type. The young of horses, donkeys, burros, mules, and llamas under one year in age, bovines under ten (10) months in age, and alpacas, goats, sheep, and swine under three (3) months in age shall not be included when computing intensity of large animals. Miniature large animals are included in this definition.

SMALL ANIMAL: Animals or fowl, other than household pets (as addressed in the definition of Kennel) or large animals including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, rabbits, mink, chinchilla, otters, gnawing animals in general, and other animals or fowl of similar size and type. Young small animals or fowl under three (3) months in age shall not be included when computing intensity of small animals or fowl.

~~4-3-2~~ ~~4-3-1~~: LIVESTOCK ANIMALS RUNNING AT LARGE:

A. Purpose: It shall be the purpose of this section to provide standards and procedures for the care and ownership of certain domestic animals within the incorporated areas of the city. This section does not address all aspects of animal ownership, rather it establishes some minimum standards for animal care, control and treatment for public safety and animal welfare; the responsibility for actions and behavior of domestic animals remains with the owner.

B. Requirements For Keeping:

1. It shall be unlawful for any person within the limits of the city on a parcel of less than one acre in size to maintain any horse, cow, bull, or any other large animals as defined herein. The number of animals shall be limited as outlined in Section 4-3-1 C

2. On parcels over one acre, the following requirements shall be in force:

a. All excreta from the animal shall be removed daily from any building or shelter where the animal is kept, or from any yard or enclosure where the animal is permitted. This excreta shall be buried in



the ground or placed in a covered container. Subsequent and final disposal thereof, if made in the city, shall be done by burying the same in the ground.

b. No ~~horse, cow, or other livestock~~ large animals shall be kept or permitted in any building, shelter, yard enclosure or pasture ~~acres~~, unless the ~~same shall be at least a parcel of~~ is a minimum size of one acre and ~~shall be~~ is at least one hundred fifty feet (150') from any residence, street or highway in the city, except the residence of the owner.

C. Animal Intensity. The following animal intensity limits shall apply:

1. Large animals – One large animal per acre of total parcel area.

2. Small animals – One small animal or fowl for each two thousand (2,000) square feet of parcel area.

€D. Remedy For Violation: Any person who violates any provision of this section may be subject to civil remedy, as necessary, to assure compliance with this section. Cost of this remedy shall be defrayed by the owner of the animal.

**Section 7:** That Section 6-2-6 of the Athol City Code shall be amended to read as follows:

6-2-6: INSTALLATION AND CONNECTION FEES, RATES AND CHARGES:

Every new tap to the water main, where there has been no prior service to the land, premises, or building, shall be required to pay an installation fee, as set forth in the most current City fee resolution. ~~Fees are based upon size of meter.~~ Every lot is required to hook up to City water. No private wells will be allowed inside the City limits. No construction or water meter installation shall be done during the winter months, unless conditions are favorable for such installation, as determined by the City. (often November thru March, weather permitting). Prepayment of installation fees may be allowed up to thirty (30) days prior to the anticipated date of installation.

A. Installation And Connection Fees: For every water connection to the water main of the City, a hookup charge or connection fee shall be charged in such amount as shall be determined by the City Council and approved by resolution set forth in the minutes of the meeting at which said fee is adopted.

B. Commercial And Residential Water Rates: Commercial and residential water rates charged shall be as set by the City Council by a proper resolution filed in the Office of the City Clerk, and open to inspection during business hours.

C. Minimum Meter Rates:

1. Residential: There shall be a per month meter charge when the meter is off, the City does not pro rate. Only the City is permitted to turn the water meters on or off. Those desiring to have meters removed may do so on arrangement with the City. Any subsequent re-hookup shall require a payment of the current hookup or connection fee. Any party desiring meter removed shall request same in writing and shall further agree to the subsequent hookup fee.

a. Meter size: 5/8" by 3/4".

2. Commercial: There shall be a per month meter charge when the meter is off, the City does not pro rate. Only the City is permitted to turn the water meters on or off. Those desiring to have meters removed may do so on arrangement with the City. Any subsequent re-hookup shall require a payment of the current hookup or connection fee. Any party desiring meter removed shall request same in writing and shall further agree to the subsequent hookup fee.

a. ~~Meter size: One inch (1") or two inch (2"). Anything larger shall be evaluated on a case by case basis with justification provided by the property owner to the City Council. Cost shall also be determined at such time.~~

**Section 8:** That Section 6-2-9 B.2. of the Athol City Code shall be amended to read as follows:

2. Reimbursement Criteria When Initial Costs And Expenses Paid By City: When the City has borne the initial costs for installation and/or upgrade of the public water main and related infrastructure, the City shall be entitled to proportionate reimbursement to be paid by future connections to improvements in the same manner as set forth in subsection B1a of this section, except that there shall be no ~~ten (10)~~ five (5) year time limitation on the City for requiring such proportionate reimbursement by the future connections to the improvements at issue.

**Section 9:** That Section 6-2-15 of the Athol City Code shall be amended to read as follows:

6-2-15: PROPERTY OWNER RESPONSIBLE FOR SERVICES:

Each property owner, tenant, renter, occupant or water user shall maintain ~~his~~ the service line from the meter box to the premises. Property owners are also encouraged to add a shut-off valve somewhere between the meter and their house, for ease to turn on and off in the event of emergencies. Only the City is allowed to turn the water on and off at the meter.

**Section 10:** That Section 6-4-2 of the Athol City Code shall be amended to read as follows:

6-4-2: DEFINITIONS:

SNOW ACCUMULATION: Any accumulation of four (4) or more inches of snow falling within a twenty four (24) hour period.

STREET: Any improved and maintained public right of way, including the shoulder used for vehicle traffic or parking.

SUPERINTENDENT: The person hired by the city as its maintenance employee.

**Section 11:** That Title 6, Chapter 6 of the Athol City Code shall be amended to add Section 6-6-3 as follows:

### 6-6-3: PARKING WITHIN PUBLIC RIGHTS-OF-WAY

A. Parking Allowed. Except as prohibited by Title 6, Chapter 4, and except for areas within 30 feet of an intersection with another street, parking of motor vehicles which are properly licensed and operable is permitted within the publicly maintained rights of way in the City, unless signs prohibiting parking are erected by the City.

B. Prohibited Activity. Unlicensed or inoperable vehicles are prohibited from parking within public rights-of-way. Trailers of any type, which are not attached to a properly licensed and operable motor vehicle capable of legally towing said trailer are also prohibited. Placement or storage of any other material, parts, garbage or other items within public rights-of-way is strictly prohibited.

#### C. Enforcement and Penalty:

1. A person who violates any provision of this Section is guilty of an infraction.

2. The city Maintenance Superintendent or mayor is empowered to direct the removal of any unauthorized vehicle, trailer, or other object. The owner of any vehicle or object removed from the right of way at the direction of the superintendent or mayor shall be liable for all costs incurred for that removal, including but not limited to towing, storage, and city administrative costs.

**Section 12:** That Section 7-1-2 of the Athol City Code shall be amended to read as follows:

### 7-1-2: BUILDING LOCATION/LAND USE PERMITS/PLOT PLAN:

A. Permit Required: Except as otherwise provided in this title, no land use shall be established nor shall any structure be erected, constructed, reconstructed, set, placed, installed, enlarged, extended, moved or converted without first procuring a building location permit prior to the start of construction. The City may charge a fee for such permits in accordance with the City's adopted fee resolution.

#### B. Exceptions To Permit Requirements:

1. Fences not greater than six feet (6') in height and complying with the dimensional requirements of this Code.

2. An accessory, non-habitable structure used for storage or for keeping of animals with not more than ~~one hundred twenty (120)~~ two hundred (200) square feet of floor area. Portable carport structures and the like, commonly composed of vinyl or plastic tarp over a pole frame, shall not require a permit unless greater than 200 square feet in size. The exception to the permit requirement does not except any such structures from meeting the setback requirements of the applicable zone.

C. Application And Plot Plan: All applicants for building location permits are required to submit a completed application, on a form provided by the City. In addition, a plot plan, drawn to scale, shall be submitted showing the following items:

1. Lot lines;
2. Easements on the property, if known;
3. Septic tanks and drainfields;
4. Water and electrical lines;

5. All existing and planned structures on the property;
6. Distances to property lines and between structures or other improvements.

D. Review For Code Compliance: Prior to issuance of the permit, the Administrator shall review the application and plot plan to ensure the proposed structure complies with setbacks, use restrictions, and other requirements of this Code. Permits applications found not to comply with this Code shall not be issued be denied. Parcels with existing code violations shall not be eligible for building location / land use permits, unless the requested permit is necessary to rectify the code violation.

E. Inspection Required: At any time prior to construction, during construction, or after construction is complete, the Administrator may conduct inspections as necessary to verify the construction is in compliance with the permit and this Code. If the work is found not to be in compliance, the Administrator may "stop work" on the site, in accordance with the enforcement procedures of section 8-2-2 of this Code.

F. Permit Expiration Or Abandonment: Building location permits shall expire if the work authorized by such permit is not commenced within ~~one (1) year~~ six (6) months from the date of issuance of the permit, or if the work authorized by the permit is ~~suspended or abandoned for a period of one (1) year at any time after the work is commenced~~ not completed within one (1) year from the date of issuance of the permit. Before ~~such~~ work can re-start on any partially completed structure where the permit has expired, a new permit must be obtained, including payment of new permit fees.

G. Permit Extension: Prior to expiration of the permit, a permittee may request one (1) extension of the permit by filing an extension request with the Administrator demonstrating good cause for the request. The Administrator may extend the permit for one (1) year. No permit shall be extended more than once.

**Section 13:** That Section 7-1-3 D. of the Athol City Code shall be amended to read as follows:

D. Review For Code Compliance: Prior to issuance of the permit, the Administrator shall review the application and plot plan to ensure the proposed work meets the requirements of this Code. Permits applications found not to comply with this Code shall not be issued be denied. Parcels with existing code violations shall not be eligible for site disturbance permits, unless the requested permit is necessary to rectify the code violation.

**Section 14:** That Section 7-1-3 F. of the Athol City Code shall be amended to read as follows:

F. Permit Expiration Or Abandonment: Site disturbance permits shall expire if the work authorized by such permit is not commenced within ~~one (1) year~~ six (6) months from the date of issuance of the permit, or if the work authorized by the permit is ~~suspended or abandoned for a period of one (1) year at any time after the work is commenced~~ not completed within one (1) year from the date of issuance of the permit. Before ~~such~~ work can re-start on any partially completed project where the permit has expired, a new permit must be obtained, including payment of new permit fees.

**Section 15:** That Section 8-1-4 of the Athol City Code shall be amended to read as follows:

8-1-4: DEFINITIONS:

For the purposes of this title, certain terms and words used herein shall be interpreted as follows:

- A. "Lot" includes the words "plot" or "parcel" or "tract".
- B. "Person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- C. "Shall" is mandatory; "may" is permissive; and "should" is a preferred requirement.
- D. "Used" or "occupied" includes the words "intended", "designated" or "arranged to be used" or "occupied".
- E. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- F. Terms used in this title, but which are not defined herein, shall be construed as defined in the Idaho Code, or Webster's New Collegiate Dictionary.

For the purposes of this title, the following words and terms, and their derivations, shall have the meanings given herein:

**ACCESSORY BUILDING OR STRUCTURE:** A detached subordinate building or structure, the use of which is customarily incidental to that of the main building(s) or use(s) on the same lot.

~~**ACCESSORY LIVING QUARTERS:** Living quarters within an accessory building for the sole use of the family or for persons employed on the premises, or for the temporary use of guests of the occupants of the premises; such accessory living area has no kitchen facilities and is not rented or otherwise used as a separate dwelling unit; the term "accessory living quarters" includes the term "guest house".~~

**ACCESSORY LIVING UNIT:** A building or portion(s) of a building, located on the same lot, but separate from the principal dwelling with habitable space and any combination of sink, toilet, kitchen, or bathing facility that could enable the residential occupation of the structure or portion of the structure. A garage, shop or storage building with a toilet and a sink shall not be considered an accessory living unit.

**ACCESSORY USE:** On the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**ADMINISTRATOR:** Mayor of the city, who shall have the authority to delegate code administration to an employee or contractor of the City with appropriate skills and experience for the task, also as defined at Section 1-6-6 B.8. of this code.

**AGRICULTURAL USES:** Uses producing field crops, including, but not limited to, grains, feed crops, fruits, and vegetables.

**ALLEY:** An unnamed public right-of-way, twenty feet (20') or less in width, that is primarily designed to serve as secondary access to the rear or side of those properties whose principal means of access is via an abutting public street.

**ALTERATION OR ALTERED:** Any change or modification in the construction of a building or structure, other than for repairs.

**ATTACHED:** Any building or structure that has a wall or roof in common with another building or structure.

**AUTO WRECKING, JUNK, AND/OR SALVAGE YARDS:** A. Any area, lot, land, parcel, building, structure, or part thereof, where waste, garbage, discarded or salvaged materials are exchanged, handled, bought, sold, baled, packed, stripped, stored, dumped, or disassembled, including, but not limited to, inoperable vehicles, machines, or remnants thereof, and/or metals, paper, rags, tires, and bottles.

B. The following uses shall not be considered to be an "auto wrecking, junk, and/or salvage yard" when all activity, storage, odor, and noise is confined wholly within an enclosed building, and within a zone which allows such a use:

1. The private, noncommercial storage of inoperable vehicles and remnants thereof;
2. Pawnshops, secondhand stores, and used furniture stores;
3. Open sales lots for the sale of new and used vehicles and machinery which are in operable condition; or
4. Vehicle towing services and auto and/or body repair establishments which do not store inoperable vehicles for more than ninety (90) days.

**AUTOMOTIVE REPAIR:** The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**BED AND BREAKFAST INN:** A residence where sleeping, bathing and toilet accommodations and one (1) or more meals daily for one (1) or more persons, are provided for hire on a daily or weekly basis, and where the living spaces of the residents are shared by the paying guests.

**BOARD:** The board of county commissioners of Kootenai County, Idaho.

~~**BOARDINGHOUSE OR LODGING HOUSE:** A dwelling with not more than five (5) guest rooms, with or without lodging and meals for compensation.~~

**BUILDING:** Anything constructed having a roof supported by columns or walls for the purpose of housing, shelter, or enclosure.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS OR COMMERCE:** The purchase, sale, exchange, or other transaction involving the handling or disposition of any article, substance, or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreation or amusement enterprises, or the maintenance and use of offices or professions and trades rendering services.

**CENTERLINE (OF STREET):** The center of the public right of way as established by the city council or the city's engineer.

~~**COMMERCIAL ENTERTAINMENT FACILITIES:** Any profit making activity which is generally related to the entertainment field.~~

~~**COMMISSION:** The zoning, planning and zoning, joint zoning, or joint planning and zoning commission appointed by the city council. Note: Pursuant to Idaho Code section 67-6504, the city council has chosen to act as said commission.~~

**COMPREHENSIVE PLAN:** A plan, or any portion thereof, adopted by the city council, including such things as the general location and extent of present and proposed physical facilities including housing, commercial and industrial uses, major transportation routes, parks, schools, and other community facilities.

**COUNCIL:** The duly constituted legislative authority of the city, being the city council.

**COVERAGE:** The ground area occupied by any building or structure not completely open to the sky.

**DAYCARE CENTER:** A facility operated by a person, corporation, or association in which less than twenty four (24) hour per day nonmedical care and supervision is provided, outside the home, for minor children or elderly persons, provided such facility is licensed by the state. This definition includes the following:

A. Family Daycare Home: Providing for the care of six (6) or fewer children or elderly persons within a residence, pursuant to the terms listed above, where only family members operate the facility (i.e., no outside employees);

B. Group Daycare Center: Providing for the care of between seven (7) and twelve (12) children or elderly persons within a residence, pursuant to the terms listed above, where only family members operate the facility (i.e., no outside employees); and

C. Daycare Center: Providing for the care of thirteen (13) or more children or elderly persons within a residence, pursuant to the terms listed above, where only family members operate the facility (i.e., no outside employees).

**DENSITY:** A unit of measure pertaining to the number of dwelling units per acre of land.

Gross Density: The number of dwelling units per acre of total land to be developed, including public and/or private rights of way.

Net Density: The number of dwelling units per acre of land, wherein the acreage involved includes only the land devoted to residential uses, and which excludes public and/or private rights of way, and other nonresidential uses.

~~DESIGNATED MANUFACTURED HOME OR STRUCTURE: A manufactured home or structure, constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes or structures, which:~~

~~A. Is comprised of at least two (2) fully enclosed parallel sections each of which is not less than twelve feet (12') wide by thirty six feet (36') long;~~

~~B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than a three to twelve (3:12) pitch; and~~

~~C. Has exterior siding similar in appearance to siding materials commonly used on conventional site built uniform building code single family residences or nonresidential structures.~~

DETACHED: Any building or structure separated by at least five feet (5') in horizontal distance from any other building or structure.

DWELLING: A building, or any portion thereof, designed exclusively for residential purposes, including single, duplex, and multiple-family residential dwellings, but not including hotels, motels, and other places without individual kitchen facilities.

DWELLING, DUPLEX: A building designed for occupancy by two (2) persons or households living independently of each other.

DWELLING, MULTI-FAMILY: A building designed for occupancy by three (3) or more persons or households living independently of each other.

DWELLING, SINGLE-FAMILY: A building designed for occupancy exclusively by one person or household, including supervised housing for special needs populations as defined in Idaho Code section 67-6531.

DWELLING UNIT: A single housekeeping unit providing complete, independent living facilities for one person or household, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT: Authorization, by a property owner, for the use by another individual or public agency, for a specified purpose, of any designated part of said owner's property.

ENLARGED: An increase in floor area or height of a building or structure.



~~FAMILY: One or more persons, but not more than four (4) unrelated persons, whether or not related to each other by blood or marriage, occupying a single dwelling unit and using common cooking facilities.~~

~~FEED OR FARM LOT OR STOCKYARD: Uses for the feeding of livestock, including both large and small animals, as further defined herein, whether kept primarily for personal use or pleasure, or to be sold as part of a net profit making enterprise, where said animals are kept in such numbers as to require feed to be brought upon the premises.~~

~~Animal Intensity: The number of animals that can be maintained on a premises without such premises being considered a "feed or farm lot or stockyard" that requires feed to be brought in. For this purpose, one horse, mule, donkey, burro, llama, alpaca, bovine or swine ("livestock unit") shall be equal to two (2) goats or sheep. The following animal intensity limits shall apply:~~

~~A. Large animals on irrigated land = three (3) livestock units per gross acre.~~

~~B. Large animals on nonirrigated land = one livestock unit per gross acre.~~

~~C. Small animals = one small animal or fowl for each two thousand (2,000) square feet of land area.~~

~~Large Animal: Animals including, but not limited to, horses, donkeys, burros, mules, llamas, bovines, alpacas, goats, sheep, swine, and other animals or livestock of similar size and type. The young of horses, donkeys, burros, mules, and llamas under one year in age, bovines under ten (10) months in age, and alpacas, goats, sheep, and swine under three (3) months in age shall not be included when computing intensity of large animals. Miniature large animals are included in this definition.~~

~~Small Animal: Animals or fowl, other than household pets or large animals including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, rabbits, mink, chinchilla, otters, gnawing animals in general, and other animals or fowl of similar size and type. Young small animals or fowl under three (3) months in age shall not be included when computing intensity of small animals or fowl.~~

~~FENCE: A barrier composed of posts or piers connected by boards, rails, panels or wire, or a masonry wall, designed for the purpose of enclosing space or separating parcels of land. "Fence" does not include retaining walls.~~

~~FILLING STATION: An establishment for dispensing fuel to vehicles and machinery. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles or machinery not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.~~

~~FOREST USE: Land growing forest trees, species which are, or could be, at maturity, capable of furnishing raw material used in the manufacture of lumber or other forest products.~~

**FRONTAGE:** That portion of a lot which abuts a public street.

**GARAGE, PRIVATE:** An accessory building or an accessory portion of the main building, designed and/or used for shelter or storage of automobiles, boats, and/or other vehicles owned and operated by the occupants of the main building, ~~and in which no occupation for profit is carried on.~~

~~**GARAGE, SERVICE STATION:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, plus motor vehicle repairs made. (note to codifier: relocate term as necessary)~~

**GROSS FLOOR AREA:** The sum of the gross horizontal areas within the surrounding walls of the several floors of a building, including interior balconies and mezzanines, but not including exterior terraces and exterior stairs.

~~**HEALTH AUTHORITY:** The Panhandle health district or the state department of health and welfare that has jurisdictional authority.~~

**HEIGHT:** The vertical dimension from the lowest point of the building, structure, or fence exposed above the ground surface, to the highest point of the roof, parapet, or other uppermost part. Chimneys, vents, or utility service connections shall not be included in the measurement of height.

~~**HOME, GROUP:** Any home, place, or institution, as defined by state law and licensed by the state of Idaho, as a residence and treatment facility for children or adults with mental disabilities, alcoholism, or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short term or long term basis.~~

**HOME OCCUPATION:** An occupation carried on entirely within a residence or a residential accessory building, which is clearly incidental to the use of the residence as a dwelling, employs no more than two (2) people that do not reside in the dwelling on-site, and does not change the residential character of the premises.

~~**HOSPITAL:** An institution receiving inpatients and outpatients and rendering medical, surgical, and/or obstetrical care. This definition includes clinics.~~

**HOTEL OR MOTEL:** A building in which there are six (6) or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provision is made for cooking in any individual room or suite. A comparable facility containing five (5) or fewer guest rooms shall be construed to be a boardinghouse or lodging house.

**HOUSEHOLD:** All the persons who occupy a single residential dwelling unit.

**IMPERVIOUS SURFACES:** Those areas defined as "coverage" plus those additional areas occupied by driveways, walkways, parking lots, steps and landings, patios, and the like, all such additional surfaces not defined as "coverage" and being uncovered and open to the sky.

**INOPERABLE:** When a vehicle or machine does not function as it was originally designed because an essential component has stopped functioning properly, is missing, or absent.

**KENNEL:** A place where four (4) or more adult dogs or cats, or any combination thereof, are kept or boarded. An adult dog or cat shall be construed to mean an animal of either sex, altered or unaltered, that has reached the age of six (6) months. Other domesticated animals commonly construed to fall under the generalized term of household pets shall also be subject to this definition (i.e., ferrets, guinea pigs, and mice). The keeping of large or small farm animals and exotic animals are not included in this definition's context and the same shall only be allowed where agricultural pursuits are authorized, regardless of their number.

**LOADING AND UNLOADING SPACE, OFF STREET:** An open off street area of land, not on a public street or other public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, situated so as to avoid undue interference with travel on public streets and alleys.

**LOT:** A parcel of land containing at least the minimum sufficient size to meet zoning requirements for use, coverage, area, and yards. Such lot shall have frontage on an improved public street. Such lot may consist of: a single lot of record; a portion of a lot of record; a combination of complete and/or partial lots of record; or a parcel of land described by metes and bounds. No division or combination of parcels of land shall be created which does not adhere to the minimum lot area standards of this title.

**LOT AREA:** The total horizontal square footage area within the boundary lines of a lot.

**LOT, CORNER:** A lot located at the intersection of two (2) or more streets.

**LOT COVERAGE:** ~~The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.~~ The portion of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures or paved surfaces. This shall be deemed to include all buildings, porches, breezeways, patio roofs and the like, whether open box type or lathe roofs, or fully roofed, but shall not be deemed to include fences, or walls, or swimming pools. It shall also include all surfaces with concrete or asphalt paving, such as patios, driveways, parking lots and sidewalks when surfaced with pavement. Gravel surfaces, bricks, pavers, and similar "hard" surfaces shall not be included in lot coverage calculations.

**LOT DEPTH:** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear of a lot.

**LOT, INTERIOR:** A lot, other than a corner or through lot, with frontage only on one street, other than an alley.

**LOT LINE:** Any ownership line defining the external limits of a lot, including the street right of way line of any street abutting such lot.

LOT LINE, FRONT: For interior lots, the lot line abutting a street. For a corner lot or a through (double frontage) lot, the front lot line shall be determined by the city council, and shall take into consideration the lengths of the lot lines abutting streets, and the predominant street fronting orientation of surrounding properties.

LOT LINE, REAR: The lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, being not less than ten feet (10') long and wholly contained within the lot.

LOT LINE, SIDE: Any lot line other than a front or rear lot line. In the case of a corner lot, the lot line abutting the side street shall be known as the "flanking street lot line". All other side lot lines shall be known as the "interior side lot lines".

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder, or a parcel described by metes and bounds, the description of which has been duly recorded with the county recorder.

LOT, THROUGH: A lot, other than a corner lot or interior lot, with frontage on more than one street, other than an alley, and which may also be referred to as a "double frontage lot".

LOT WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear lot lines at each side of the lot, and measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty percent (80%) requirement shall not apply.

~~MANUFACTURED HOME OR STRUCTURE: A factory assembled structure or structures, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in travelling mode is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq. equipped with built-in utility and service connections, constructed with a permanent chassis which is an integral part of the house or structure, fixed on removable wheels, axles, and tongues. A manufactured home or structure is movable as a unit, requires an external source of power, and is designed to be used without a permanent foundation. A manufactured home or structure may consist of a single section, or of two (2) or more sections, which are joined at the destination site.~~

~~MANUFACTURED HOUSING PARK: Any site, lot, or tract of land under common ownership, upon which three (3) or more manufactured homes are to be sited, and the same shall qualify as a manufactured housing park, which park shall be governed pursuant to the provisions of this title.~~

MOBILE HOME / MANUFACTURED HOME COURT OR PARK: A parcel of land or premises under unified ownership or management which has been planned, designed, and constructed for the placement of owner occupied, leased, or rented independent manufactured homes, mobile homes, or modular homes for use as single-family, detached, one-story residences on individual rented or leased spaces, including any land, buildings, structures, or facilities used by occupants of such premises. Such facility shall provide for three (3) or more manufactured homes, mobile homes, or modular homes. Such uses are regulated as nonconforming in accordance with Title 8, Chapter 14. Individual structures within such Courts or Parks shall be regulated under Section 8-10-2 B. Athol City Code makes no specific provision for the creation of new mobile home / manufactured home courts or parks. Such parks may be permitted through the Planned Unit Development and/or Subdivision processes.

~~MOBILE HOME OR STRUCTURE: A structure exceeding eight feet (8') in width and twenty eight feet (28') in length and designed to be movable on its own running gear and which, when provided with and connected to power, water supply, and sewage disposal facilities, shall be considered a building suitable for residential or nonresidential occupancy. Upon manufacture for sale, such mobile home or structure is provided with axles, wheels, drawbars, or tongues. A factory assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.~~

~~MODULAR HOME OR STRUCTURE: Any prefabricated unit (constructed off site), intended to be a dwelling unit or intended to house a nonresidential use, designed to be used with a permanent foundation, has been equipped with built-in utility and service connections, which is movable in two (2) or more parts by a separate mode of transportation.~~

~~MOTOR COACH: Any vehicle which is self-propelled and which conforms to the definition of a "travel trailer" herein as it pertains to highway use and human habitation of the same.~~

~~NONCONFORMING: A building, structure, or portion thereof, or use of a building or land which lawfully existed and was not unlawfully used before the effective date hereof of the requirement to which it does not conform, and the continued existence and use after the effective date hereof does not conform to the regulations of the zone in which it is located.~~

~~NURSERY, PLANT MATERIALS: Land, buildings, structures, or any combination thereof used for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.~~

~~NURSING HOME OR HOME FOR THE AGED: A home or facility for the care and treatment of more than five (5) pensioners or elderly people.~~

**OCCUPANCY:** The purpose for which a building is used or intended to be used. For the purposes of this title, a change of occupancy is not intended to include change of tenants or proprietors, but is intended to indicate a change in the type of use.

**OPEN SPACE:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts, and any other recreational facilities that the city deems permissible. Streets, parking areas, structures for habitation, and the like, shall not be included.

**PARKING AREA OR LOT:** An area, other than a street, alley, or right of way, used for the parking or storage of one or more vehicles. Such area shall be graded and surfaced for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

**PARKING SPACE:** An area accessible and available for the parking of one motor vehicle, within a public or private parking area or a building, having minimum dimensions of nine feet (9') in width by twenty feet (20') in depth (~~i.e., not less than 180 square feet~~), exclusive of access drives, aisles, or ramps for the storage of one passenger automobile or commercial vehicle, other than a vehicle for sale, lease, or rent, exclusive of areas intended for other uses and of physical obstructions.

**PERFORMANCE BOND OR SURETY BOND:** A financial guarantee by a developer, person, or subdivider, with the city, ~~in the amount of the estimated construction cost~~, guaranteeing the completion of physical improvements according to plans and specifications, within the time prescribed by the agreement set forth in the bond documents.

**PERSONAL SERVICE:** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

**PLAT:** A map or representation of a subdivision or division of land into lots, blocks, tracts, streets, roads, alleys, etc., to be filed as a public document of record.

**POLITICAL SUBDIVISION:** Any county, city, municipal corporation, health district, school district, irrigation district, special improvement or taxing district, or any other political subdivision or public corporation organized and existing by virtue of the laws of the state of Idaho.

~~**PORTABLE SCHOOL CLASSROOM:** A structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.~~

**PRINCIPAL USE:** The specific purpose for which a lot or parcel is arranged, intended, designed, occupied or maintained.

**PROFESSIONAL ACTIVITIES:** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, urban planners, architects, engineers, and similar professions.

**PUBLIC OR QUASI-PUBLIC UTILITY:** Any use of land by a governmental agency, or by any person, firm, or corporation licensed or franchised by such a government agency, involving the transportation or transmission of materials, signals, or electrical energy by vehicle or through conduit, wire, pipe, or similar device. Typical examples include water systems, sanitary sewer systems, electricity and natural gas services, television or telephone systems, refuse collection, and public transportation services.

**PUBLIC USE:** Any use of land by a federal, state, county, or local government agency, including a special purpose district.

**QUASI-PUBLIC USE:** Churches and other houses of religious worship, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

**RECREATIONAL VEHICLE:** A portable vehicular unit or structure used primarily for vacations, extended travel, camping, and sports. Recreational vehicles (RVs) may be self-propelled or towed. RVs may include, but are not limited to, motor homes, converted buses, pickup campers, and travel trailers.

**RECREATIONAL VEHICLE PARK:** A parcel of land upon which ~~four (4)~~ two (2) or more recreational vehicles are located, established, or maintained for occupancy of recreational vehicles by the general public as temporary living quarters for recreation or vacation purposes, ~~with a parking limit of six (6) months, which duration limit shall be subject to extension by authorization of the city council.~~

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

~~**RESEARCH ACTIVITIES:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.~~

~~**REST HOME, ELDERLY HOUSING:** Places where housing is provided to the elderly; however, medical care is not administered.~~

**RESTAURANT:** An establishment which is engaged in the business of preparing and serving food for consumption on the premise or "to-go". Both fast food and full services dining establishments further defined as follows:

~~**Fast Food:** An establishment which is engaged primarily in the business of preparing food and purveying it on a self-serve or semi-self-serve basis. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises.~~

~~**Full Service:** An establishment which is engaged primarily in the business of preparing and serving meals for consumption on the premises. Such restaurants employ help to fully accommodate~~

~~customer orders at the table, including "cafeteria" style establishments which provide limited table service to the customer dining on the premises.~~

**RIGHT OF WAY:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, gutters, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment), such as grade separation, landscaped areas, viaducts, and bridges.

**ROOF:** A part of a building completely covering any portion of such building and permanently attached, but excluding chimneys, antennas, vents, and mechanical equipment.

**SCHOOL:** An organization specializing in the instruction of students.

~~**SCHOOL, ACADEMIC:** An accredited school specializing in the instruction of students in kindergarten through the twelfth grade.~~

**SCHOOL, PRIVATE:** An organization specializing in the instruction of students, not operated by a local governmental entity but operated by a private person or entity.

**SCHOOL, PUBLIC:** A free, tax supported school controlled by a local government authority.

**SETBACK LINE:** A line established by this zoning title, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in this title.

**SIGN:** Any structure or natural object, such as a tree, rock, bush, and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement. For the purpose of this definition, the word "sign" does not include the flag, pennant or insignia of any nation, state, city, or other political unit, ~~or any political, educational, charitable, philanthropic, civic, professional, religious, or similar campaign, drive, movement, or event.~~

**SPECIAL (OR CONDITIONAL) USE:** A use, other than a principal permitted use, which, because of its characteristics, may be authorized within a particular zone through the issuance of a specific permit by the city council, which permit will specify conditions and/design requirements to assure compatibility of the use within the zone and its surroundings.

**STREET:** A right of way, more than twenty feet (20') in width, which has been dedicated to the public and designated for public use as a street, and which affords a primary means of vehicular and pedestrian access to abutting property. The term "street" also includes the terms "highway", "thoroughfare", "parkway", "road", "avenue", "boulevard", "lane", "place", and other such terms.

**STREET CLASSIFICATIONS:**



Arterial: Primary through traffic and commercial traffic streets which connect the city's street system to the state's network of regional highways.

Collector: Travel routes which collect traffic from local access streets (where the land access function is dominant), and channel it to the network of arterials (where service to through traffic is dominant).

Local Access: Streets whose most important function is to provide direct access to abutting lands and which are tributary to the system of collector streets.

STREET, PRIVATE: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access to abutting lands.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. "Structures" include buildings, manufactured and mobile homes, walls and fences, billboards and poster panels.

SUBDIVISION: The division of land into lots, parcels, tracts, or sites for purposes of sale or lease, whether immediate or future, and shall include a redivision of land or future division.

~~SUPPLY YARD: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.~~

~~TAVERN OR LOUNGE: A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.~~

~~TRAILER: Any vehicle designed to be towed or transported by another vehicle. The term "trailer" does not include mobile homes that exceed ten feet by fifty feet (10' x 50').~~

~~TRAILER PARK: A mobile home park.~~

~~TRAVEL TRAILER: Any vehicle designed to be towed by a self-propelled vehicle and which is designed to be capable of regular and frequent use on the highway without wheel or substructure assembly or disassembly, and any such structure which is constructed to permit human habitation thereof, including sleeping and living quarters for one or more persons.~~

~~TRAVEL TRAILER PARK OR MOTOR COACH PARK: Any site of land whereupon two (2) or more travel trailers, motor coaches, or any combination thereof, are kept for temporary dwelling purposes, and for which a fee for such use is collected or collectable by the person holding the land.~~

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: An authorized relaxation of the terms of this title where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance is authorized only for height, area, and size of

structures, or size of yards and open space, or size of parking spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconforming uses in a zone.

**VETERINARY ANIMAL HOSPITAL OR CLINIC:** A place for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding of small animals that is incidental to the primary activity.

**VICINITY MAP:** A drawing which sets forth by dimensions or other means, the relationship of the proposed development to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**WALKWAY:** A public way, four feet (4') or more in width, for pedestrian use only, whether or not along the side of a street.

**YARD:** A required open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward; provided, however, that fences may be permitted in yards subject to the limitations set forth in this title.

**YARD, FRONT:** A yard extending between side lot lines across the front of the lot and abutting the front property line. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel. In the case of through lots, the front yard shall apply to both street frontages. In the case of corner lots, the front yard shall apply to both the fronting and flanking street frontages.

**YARD, REAR:** A yard extending across the rear of the lot between side lot lines. In the case of through lots, there will be no rear yard. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

**YARD, SIDE:** A yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of a corner lot, the side yard will apply only to the interior side property line. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

**ZONING PERMIT:** A document issued by the City Clerk authorizing the uses of land and structures, and the characteristics of the uses.

**Section 16:** That Section 8-2-2 of the Athol City Code shall be amended to read as follows:

8-2-2: NONCOMPLIANCE, ENFORCEMENT AND PENALTIES:

- A. The city shall not issue permits unless existing and intended structures, the parcel of land, and uses of the buildings and land, conform in all respects with the applicable provisions of this code. Whenever any construction or site work is not in compliance with this title, specific Conditions of Approval, or other related laws, ordinances or requirements, the city may issue a Notice of Violation and order any work stopped by written notice. Such Notice of Violation or Stop Work Order may be served on any persons engaged in doing or causing such work to be done, and upon such service, persons shall forthwith stop such work until authorized by the city to proceed. If no persons are present then the ~~Notice of Violation~~ Stop Work Order shall be posted in a conspicuous location at the site.
- B. A copy of the Notice of Violation ~~or Stop Work Order~~ shall be mailed to the property owner of record and any known holder of any legal interest in the property, if applicable. The notification shall include:
1. The property owner and the legal description of the parcel, as well as the street address, if any;
  2. A detailed description of the nature of the violation;
  3. A description of remedial actions that could be undertaken to resolve the violation; and
  4. The length of time allotted to resolve the violation.
- The property owner shall have 45 days from the date the Notice of Violation was mailed to resolve the violation. If resolution does not occur within those 45 days, the Notice of Violation may be recorded ~~filed~~ in the Office of the County Recorder, with a copy mailed to the Owner.
- C. The Notice of Violation ~~or Stop Work Order~~ shall also advise the owner of the process for appeals of Notices of Violation and Stop Work Orders. An owner or a holder of any legal interest in the property may appeal a Notice of Violation or Stop Work Order pursuant to section 1-1-5. The appeal shall be heard in accordance with section 1-1-5 B. If the appeal is denied (i.e., the action is affirmed), the city council shall specify an exact number of days to gain compliance with this title before the Notice of Violation is recorded, and may add or remove conditions of remedial action. If the appeal is approved (i.e., the action is reversed), the city council shall specify actions to be taken to release the violation.
- D. Prior to or at such time as a violation is resolved, the owner shall pay the fee specified in the current adopted fee schedule unless the enforcement action was reversed by the city council or a court of competent jurisdiction. Upon payment of such fees or a determination that payment of fees is not necessary, the city shall cause a Release of Notice of Violation to be recorded in the Office of the County Recorder. The Release shall contain all of the information contained in the Notice of Violation, as well as the corrective action taken to resolve the violation. A copy of the Release shall be mailed to the owner.

- E. Complaints: Any affected person may file a written complaint alleging that a violation of city code has occurred. Such complaint, stating fully the causes and basis thereof, shall be filed with the City Clerk. The City shall investigate the allegations made in the complaint, and, if it appears that there is reasonable cause to find that the alleged violation did occur, shall take action thereon as provided in this article.
- F. Penalties: Penalties for failure to comply with or violations of the provisions of Title 7, Title 8, or Title 9 of city code shall be as follows:
1. A first violation of any of the provisions of Title 7 or Title 8 of this code, or failure to comply with any of their requirements shall constitute ~~a misdemeanor~~ an infraction punishable as set forth in subsection 1-4-1 B of this Code.
  2. A second or subsequent conviction for violation of any of the provisions of Title 7 or Title 8 of this code, or failure to comply with any of their requirements within 12 months of the first violation shall constitute a misdemeanor punishable as set forth in section 1-4-1 A. of this Code, with a maximum fine of \$300.00 and ninety (90) days in jail, per Idaho Code.
  23. Each day on which a violation continues shall be considered a separate violation for purposes of both civil and criminal action. The landowner, tenant, subdivider, builder, or any other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the city council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of Title 7 or Title 8 of this code, or of Idaho Code.
  34. The City Attorney or other attorney who represents the City may also take civil action in district court to prevent, restrain, correct, or abate any action taken, or which may be taken, in violation of Title 7 or Title 8 of this code, to vacate any subdivision or condominium plat recorded in violation of Title 9, or to otherwise enforce the provisions of code. In addition to other actions that may be ordered by the Court, if the city prevails, the violator shall pay to the city all fees associated with the violation then due and owing. The city may also seek the imposition of a civil penalty in an amount not to exceed \$1,000.00 per violation per day, with a total maximum civil penalty of \$10,000.00.
  45. In cases where multiple individuals, firms, corporations or agents participated in violating Title 7 or Title 8 of this code, they may be held jointly and severally liable for any remedies, penalties or payments.
  56. The city may withhold issuance of permits for subdivisions, lots, or parcels of land that are in violation of any provision of Title 7, Title 8 or Title 9 of this code. Withholding of permits may be appealed in accordance with section 1-1-5 of this code.

67. Applications for approvals authorized by this title will not be scheduled for hearing until all violations of this code are corrected, except when the purpose of the approval is to correct the violations of this code then existing. These requirements may be appealed in accordance with section 1-1-5 of this code.

**Section 17:** That Section 8-6-2 of the Athol City Code shall be amended to read as follows:

The city council shall hear and decide all requests for variance from the standards set forth in this title. In granting any variance, the council may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to ensure that the development so authorized is in accordance with approved plans and is consistent with the objectives of this title. The extent of the variance may be reduced by the council to conform with the findings required by this chapter. ~~A permit under section 8-2-4 of this title for a site subject to a variance application shall not be considered until the council has rendered a decision on the variance application.~~

**Section 18:** That Section 8-8A-2 of the Athol City Code shall be amended to read as follows:

8-8A-2: PERMITTED PRIMARY USES:

No building, structure, or land shall be used, and no building, structure, or use in the Residential (R) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

One single-family dwelling per lot or parcel.

A. An attached garage, storage shed, and/or patio, shall be subject to the same limitations as those which are defined as accessory uses.

B. When the permitted dwelling is a ~~designated manufactured, manufactured, mobile, or modular home~~, it shall conform to the following: comply with all provisions of chapter 10 of this title; ~~be permanently connected to water, power, and sanitary facilities; and be landscaped in a manner so as to be in harmony with surrounding residential properties so that the general character and integrity of the neighborhood are preserved.~~

C. "Single family dwelling" shall include any group residence in which eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age related infirmity.

Temporary construction offices within the tract or subdivision on which buildings are being erected, and only for the duration of active construction.

Recreational Vehicles. Recreational vehicles may only be temporarily or intermittently occupied and under the following conditions:

A. Occupation of a Recreational Vehicle is limited to 30 days in any 12-month period.

- B. The Recreational Vehicle shall have current registration and shall be in a serviceable condition so it can be operated in a safe and lawful manner on the roads of the State of Idaho.
3. The Recreational Vehicle shall not be set on blocks or have the running gear removed.
4. No decks or additions shall be attached to the recreational vehicle and the vehicle shall not be skirted.
5. The Recreational Vehicle shall not be used as a dwelling except as provided in this section. The occupant of an RV must have a primary residence other than the RV.
6. No independent mail service shall be allowed to the Recreational Vehicle.
7. The Recreational Vehicle shall not be used as rental property or used for commercial purposes.
8. The Recreational Vehicle must be fully self-contained and removed from the site to empty holding tanks at an approved location.
9. An RV may be used as a dwelling for the owners of the parcel on which the RV is located during construction of a dwelling, or substantial remodel of the dwelling on that parcel as evidenced by a valid permit for such construction. In such cases, the provisions of this section regarding the owner's primary residence, duration of occupation of the RV and mail service shall not apply. Upon completion of the dwelling or expiration of the building permit for the dwelling, the RV shall revert to temporary or intermittent use as provided in this section.

**Section 19:** That Section 8-8A-3.A. of the Athol City Code shall be amended to read as follows:

A. Accessory Uses Permitted: No accessory buildings are allowed without a permitted primary use already established on-site. The following accessory uses shall be permitted in the Residential (R) Zone in conjunction with a permitted primary use:

~~Accessory living quarters; provided, that they do not constitute a second dwelling unit on the property.~~

Cat and dog houses, when the total number of dogs and/or cats is below the number defined as a "kennel" in section 8-1-4 of this title, and when kept on the same lot as the residence.

Detached garages or carports for the private use of the residence, not to exceed one thousand two hundred (1,200) square feet in size in the aggregate, except for lots greater than two (2) acres in size which shall be allowed up to five thousand (5,000) square feet in the aggregate. Toilets and sinks are allowed in accessory buildings, however, no cooking and/or bathing facilities are allowed in accessory buildings. Accessory living units are prohibited.

Greenhouses solely maintained for private, noncommercial purposes.

Home occupations, when the business is conducted solely within the dwelling or an accessory building, occupies no more than thirty percent (30%) of the usable floor space of the dwelling (or dwelling and accessory building combined if within an accessory building), employs no more than two (2) people that do not live in the dwelling on-site, does not diminish off street parking required for the residence, and does not generate undue noise, traffic, and/or parking that would be congestive or otherwise disruptive in a residential neighborhood environment.

In-home daycare for twelve (12) or fewer children, including the children of the home subject to compliance with Panhandle Health District criteria.

In-home long term care of ~~six (6)~~ eight (8) or fewer elderly persons licensed by the State.

Keeping of animals, in accordance with Section 4-3-2 of this Code.

Outdoor fireplaces.

Radio or television antenna or tower, or a satellite communication dish maintained for private, noncommercial purposes; provided, that: when erected upon a structure, the height of the antenna, tower, or dish does not exceed the height of the structure upon which it is located by six feet (6'); or, when erected as a freestanding accessory, the height of the antenna, tower, or dish does not exceed the height of the primary structure on the property by ten feet (10'). Any such freestanding antenna, tower, or dish shall be set back from any and all property lines a minimum distance equal to one foot (1') more than the overall height of the antenna, tower, or dish.

Residential signs, unlit, subject to the following criteria: a nameplate and/or street address sign, not exceeding two (2) square feet in area, and containing the name(s) of the resident(s) of the dwelling and/or the street address number of the premises; a real estate sign, not exceeding six (6) square feet in area, notifying that the premises is for sale, rent, or lease; an advertising sign for a home occupation, not exceeding twelve (12) square feet, and containing the name, phone number, and/or other pertinent information about the home occupation conducted within the dwelling.

Storage shed and/or patio when attached to the main building structurally or by a breezeway.

Swimming pools, spas, and/or unlighted tennis courts for the exclusive use of the occupants of the premises and their guests.

**Section 20:** That Section 8-8A-4 of the Athol City Code shall be amended to read as follows:

8-8A-4: SPECIAL (CONDITIONAL) USES:

The following uses may be permitted in the Residential (R) Zone, subject to the approval of a special (conditional) use permit in compliance with the conditions and requirements set forth in chapter 7 of this title:

Bed and breakfast inns; provided, that, at a minimum: the proprietor resides in the dwelling where the bed and breakfast business is conducted; one (1) off street guest parking space is provided for each guest room in addition to the parking required for the dwelling; adequate restrooms are provided in accordance with County and State regulations; compliance with State, County, and local fire regulations has been demonstrated; and signage conforms to the provisions of the Residential (R) Zone.

Churches and houses of worship; provided, that, at a minimum: parking conforms to the requirements set forth in chapter 12 of this title; and signage conforms to the provisions of the Residential (R) Zone.

Daycare, nursery school, or preschool facility; provided, that, at a minimum: childcare and/or schooling serves the number of children approved by the City Council; compliance with all Federal, State, County, and local daycare, schooling, and fire regulations has been demonstrated; and signage conforms to the provisions of the Residential (R) Zone.

Home gardening and/or greenhouses for commercial purposes.

~~Manufactured/mobile home park; provided, that, at a minimum: the provisions of chapter 11 of this title are complied with; compliance with State, County, and local fire regulations has been demonstrated; signage conforms to the provisions of the Residential (R) Zone; and the manufactured/mobile home park layout and associated development plans have been approved by the City Council.~~

Public and quasi-public facilities, including, but not limited to, substations, pumping plants, telephone exchanges, and parks; provided, that, at a minimum: such facilities conform to all provisions of sections 8-8A-5 through 8-8A-7 of this article.

Residential accommodations of a two-family (duplex) or multi-family nature; provided, that, at a minimum: parking conforms to the requirements set forth in chapter 12 of this title; a minimum of fourteen thousand five hundred twenty (14,520) square feet of lot area is provided per dwelling unit; and signage conforms to the provisions of the Residential (R) Zone.

Residential care facilities; provided, that, at a minimum: parking conforms to the requirements set forth in chapter 12 of this title; compliance with all Federal, State, County, and local residential care facility, and fire regulations has been demonstrated; and signage conforms to the provisions of the Residential (R) Zone.

Storage of inoperable vehicles; the private, noncommercial storage of more than two (2) inoperable or not currently licensed vehicles, or remnants thereof; provided, that, at a minimum: all such vehicles, remnants thereof, and parts are stored within a completely enclosed building.

**Section 21:** That Section 8-8A-6 of the Athol City Code shall be amended to read as follows:

**8-8A-6: YARDS, SITE COVERAGE AND BUILDING SEPARATION:**

The following yard (setback), site coverage, and building separation standards shall be observed by all uses in the Residential (R) Zone:

A. Street Frontage Yard: The minimum setback from any fronting street shall be twenty five feet (25') from the street frontage property line. The minimum setback from the flanking (side) street frontage for a corner lot shall be twenty feet (20') from the flanking street frontage property line.



1. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public ~~as determined by the City Council~~, shall be permitted on any corner lot within the area designated as the "clear view triangle", which can be determined by measuring fifty feet (50') from the corner of the two (2) intersecting street frontage property lines along the property line of each street frontage, then connecting the two (2) points with a straight line forming the hypotenuse of the clear view triangle.

Trees within the clear view triangle shall have their branches removed from ground level to a minimum of seven feet (7') above ground level, and shrubs within such clear view triangle shall be maintained at a maximum height of three feet (3') above ground level. In cases where such clear view triangle will not provide adequate sight distance, the ~~City Council~~ administrator shall determine the required area needed to reduce hazards to the traveling public.

2. Fences or walls, with a maximum height of eight feet (8'), may be located on the fronting or flanking street property line outside the area encompassed by the clear view triangle. ~~The Council may allow a higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

B. Rear Yard:

1. Rear yards shall have a minimum depth of ten feet (10') from the rear property line.

2. Fences or walls, with a maximum height of eight feet (8'), may be located on the rear property line. ~~The Council may allow a higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

C. Side Yard:

1. Side yards shall have a minimum depth of five feet (5') from one side property line and ten feet (10') from the other side property line. In the case of a corner lot, the interior side property line setback shall be a minimum of five feet (5') in depth.

2. Fences or walls, with a maximum height of eight feet (8'), may be located on the side property line. ~~The Council may allow a higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

D. Yard Exceptions: Eaves and cornices may project into a required yard (setback) area up to eighteen inches (18"); uncovered steps may project into a required yard (setback) area; provided, that compliance with state and local fire regulations has been demonstrated; ~~and provided further, that the extent of the encroachment is authorized by the City Council.~~

E. Site Coverage: The maximum site coverage for all buildings and structures shall be fifty percent (50%).

F. Building Separation: A minimum separation distance of ~~fifteen feet (15')~~ ten feet (10') shall be maintained between structures, ~~except that a two (2) story building shall maintain a separation distance of twenty feet (20') from any other structure.~~

**Section 22:** That Section 8-8B-2 of the Athol City Code shall be amended to read as follows:

8-8B-2: PERMITTED PRIMARY USES:

No building, structure, or land shall be used, and no building, structure, or use in the Commercial (C) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. Commercial retail and service uses:

Any wholesale, retail and service business similar to and compatible with the uses described in this section.

Automotive parts retail and repair services, including battery shops and tire repair shops.

Bakeries.

Banks and other financial services.

Business and professional offices, including medical and dental offices.

Car washes.

Carpet, furniture, and upholstery cleaning and repair establishments.

Churches, mosques, synagogues, temples, and similar houses of worship.

Clothing and clothing accessory retail sales.

Contractors' offices, shops, and storage, including electrical, masonry, tile, plumbing, heating and ventilating, plastering, carpentry, roofing, glass, insulation, iron work, and similar services.

Convalescent homes; sanitariums, or retirement homes.

Daycare, nursery school, or preschool facilities and services.

Delicatessens and meat markets.

Dog kennels, pet boarding and breeding operations.

Drugstores and pharmacies.

Dry cleaning and laundry establishments.

Electrical appliance and motor repair shops.

Electronic instrument and other technology businesses.

Florist and plant shops.

Food stores and markets.

Fraternal or philanthropic lodges and institutions and other community meeting facilities.

Furniture and other home accessory sales such as carpets, drapes, and paint.

General merchandise and other retail sales.

Hardware stores.

Hospitality businesses, including but not limited to hotels, motels, bed and breakfast inns, lodging houses, meeting and convention facilities.

Household appliance repair shops.

Jewelry manufacturing and sales.

Lock and key services.

Lumber yards and building material sales.

Manufacture, sales, and service of windows, window screens, rain gutters, shades and awnings.

Medical and dental laboratories.

Medical offices and emergency care clinics.

~~Mini-storage facilities on parcels of not less than 3.5 acres, provided outside storage must be within a sight-obscuring fence or other enclosure.~~

Mortuaries and funeral homes.

Motor vehicle and farm equipment sales, leasing, rental, and services.

Nurseries and garden supplies.

Pawnshops.

Personal services, including barber and beauty shops.

Pet shops, including grooming services.

Photographic services, including portrait studios and photo developing stores.

Printing and publishing services.

Public or private office buildings.

Radio, television, and other electronics sales and services.

Restaurants and any other eating or drinking establishments, including but not limited to cafeterias, catering services, lounges and taverns.

Service stations.

Shoe repair and clothing alterations shops.

Small tool sharpening and repair.

Sports and athletic facilities whether indoor, outdoor or in combination.

Theaters.

Vehicle and machinery repair and storage.

Veterinary offices, including hospitalization and boarding services.

Vocational, trade or private instructional schools.

Welding and metal fabricating shops.

Other uses which the ~~City Council~~ Administrator determines to be similar in nature, function, and operation to permitted primary commercial uses in the zone.

B. Other uses:

Government and utility facilities, including, but not limited to:

Elementary and secondary schools, public or private.

Government buildings and uses operated by Federal, State, County, or Municipal government entities, or operated by special purpose districts.

Libraries.

Museums.

Open space/conservation areas.

Parks and recreation uses, including, but not limited to, tennis courts, swimming pools, play fields, and other similar uses as determined by the City Council.

Publicly or privately operated public utility uses, structures, or transmission facilities.

**Section 23:** That Section 8-8B-4 of the Athol City Code shall be amended to read as follows:

8-8B-4: SPECIAL (CONDITIONAL) USES:

The following uses may be permitted in the Commercial (C) Zone, subject to the approval of a special (conditional) use permit in compliance with the conditions and requirements set forth in chapter 7 of this title:

Any special (conditional) use listed in the Residential (R) Zone which is not a permitted primary use in the Commercial (C) Zone.

Dance halls, skating rinks, arcades, or other commercial amusement places.

Hospitals and long term medical care facilities.

Manufacture and assemblage of components, provided that such activity: a) is carried on in such a manner and with such precautions against fire and explosion hazards as provided by the ~~International Building Fire Code~~, b) emits no obnoxious odor or noise, c) exhausts no waste or dust into the air, and d) shall be conducted so that direct and indirect illumination shall not exceed 0.2 foot-candle across lot lines of the subject property.

Mini-storage facilities: on parcels of not less than 3.5 acres, provided outside storage must be within a sight obscuring fence or other enclosure.

Off premises advertising signs.

Recreational vehicle parks and campgrounds.

Transfer, storage, and warehouse facilities which are not a permitted primary use in the Commercial (C) Zone, provided outside storage must be within a sight obscuring fence or other enclosure.

Uses permitted in the Residential (R) Zone, including multi-family housing, manufactured, ~~mobile~~, and modular homes accommodations, ~~and manufactured home parks~~; provided, at a minimum, that such uses comply with all provisions of article A of this chapter and chapters ~~10 and 11~~ of this title.

**Section 24:** That Section 8-8B-5 of the Athol City Code shall be amended to read as follows:

8-8B-5: SITE (LOT) AREA AND FRONTAGE:

The following site size and street frontage standards shall apply to all uses in the Commercial (C) Zone:

A. Any authorized residential use shall observe the site (lot) area and frontage standards of the Residential (R) Zone.

B. The minimum site or parcel area for all commercial development sites shall be ~~determined by the City Council on a case by case basis, depending upon the nature of the use proposed~~ 8,700 square feet.

C. Each site or parcel shall have a minimum width at the street facing property line as ~~determined by the City Council to be appropriate for the proposed use.~~ of 70 feet.

**Section 25:** That Section 8-8B-6 of the Athol City Code shall be amended to read as follows:

8-8B-6: YARDS AND ~~SITE~~ LOT COVERAGE:

The following yard (setback) and site coverage standards shall be observed by all uses in the Commercial (C) Zone:

A. Compliance With Residential Zone Requirements: Any authorized residential uses shall observe the yard area and site coverage standards of the Residential (R) Zone.

B. Street Frontage Yard For Commercial Uses: There shall be no minimum setback from any street, fronting or flanking, except at intersecting streets.

1. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public, as determined by the City Council, shall be permitted on any corner lot within the area designated as the "clear view triangle", which can be determined by measuring fifty feet (50') from the corner of the two (2) intersecting street frontage property lines along the property line of each street frontage, then connecting the two (2) points with a straight line forming the hypotenuse of the clear view triangle.

Trees within the clear view triangle shall have their branches removed from ground level to a minimum of seven feet (7') above ground level, and shrubs within such clear view triangle shall be maintained at a maximum height of three feet (3') above ground level. ~~In cases where such clear view triangle will not provide adequate sight distance, the City Council shall determine the required area needed to reduce hazards to the traveling public.~~

2. Fences with a maximum height of eight feet (8') may be located on the fronting or flanking street property line outside the area encompassed by the clear view triangle. ~~The Council may allow a~~

~~higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

C. Rear Yard For Commercial Uses:

1. There shall be no rear yard setback from the rear property line, except where the rear property line abuts property in the Residential (R) Zone, in which case commercial buildings and structures shall observe the rear yard setback requirement of the Residential (R) Zone.
2. Fences with a maximum height of eight feet (8') may be located on the rear property line. ~~The Council may allow a higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

D. Side Yard For Commercial Uses:

1. There shall be no side yard setback from the side property line, except where the side property line abuts property in the Residential (R) Zone, in which case commercial buildings and structures shall observe the side yard setback requirement of the Residential (R) Zone.
2. Fences with a maximum height of eight feet (8') may be located on the side property line. ~~The Council may allow a higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

E. Exceptions: Where commercial buildings and structures are subject to rear and side yard setbacks of the abutting Residential (R) Zone, the exceptions authorized in the Residential (R) Zone shall apply.

F. Site Lot Coverage: ~~The maximum site lot coverage for all commercial buildings and structures shall be determined by the City Council on a case by case basis~~ development on commercially zoned property shall be 80%, except for residential uses which shall have a maximum coverage of 50%.

**Section 26:** That Section 8-8C-2 of the Athol City Code shall be amended to read as follows:

8-8C-2: PERMITTED PRIMARY USES:

No building, structure, or land shall be used, and no building, structure, or use in the light industrial (LI) zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. ~~The city council~~ Administrator may impose specific conditions for implementation of any permitted use in the light industrial (LI) zone for the purpose of ensuring compliance with the intent of this title and for ensuring the public health and safety.

B. Permitted primary industrial uses:

Agricultural uses of the land pertaining to crops.

Electronic instrument manufacturing and assembly.

Food and dry goods processing, packaging, and distribution operations.

Laboratories, experimental or testing.

Mini-storage facilities, provided outside storage must be within a sight obscuring fence or other enclosure.

Optical device manufacturing and assembly.

Precision instruments manufacturing.

Recording and sensory instrument or device manufacturing and assembly.

Remanufacture of lumber goods.

Research, development, and testing, including scientific research or experimental development of materials, methods, and products.

Warehousing and distribution.

Wholesaling.

Other uses which the ~~city council~~ Administrator determines to be similar in nature, function, and operation to permitted primary industrial uses in the zone.

**Section 27:** That Section 8-8C-5 of the Athol City Code shall be amended to read as follows:

8-8C-5: SITE (LOT) AREA AND FRONTAGE:

The following site size and street frontage standards shall apply to all uses in the light industrial (LI) zone:

A. The minimum site or parcel area for all industrial development sites shall be fifteen thousand (15,000) square feet, ~~unless determined otherwise by the city council on a case by case basis, depending upon the nature of the use proposed.~~

B. Each site or parcel shall have a minimum width at the public street facing property line of one hundred feet (100'), ~~unless determined otherwise by the city council, on a case by case basis, to be appropriate for the proposed use.~~

**Section 28:** That Section 8-8C-6 of the Athol City Code shall be amended to read as follows:

8-8C-6: YARDS AND SITE LOT COVERAGE:



The following yard (setback) and ~~site~~ lot coverage standards shall be observed by all uses in the light industrial (LI) zone:

A. Street Frontage Yard For Industrial Uses: There shall be no minimum setback from any street, fronting or flanking, except at intersecting streets.

1. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the ~~administrator~~ city council, shall be permitted on any corner lot within the area designated as the "clear view triangle", which can be determined by measuring fifty feet (50') from the corner of the two (2) intersecting street frontage property lines along the property line of each street frontage, then connecting the two (2) points with a straight line forming the hypotenuse of the clear view triangle.

Trees within the clear view triangle shall have their branches removed from ground level to a minimum of seven feet (7') above ground level, and shrubs within such clear view triangle shall be maintained at a maximum height of three feet (3') above ground level. In cases where such clear view triangle will not provide adequate sight distance, the city council shall determine the required area needed to reduce hazards to the traveling public.

2. Fences with a maximum height of eight feet (8') may be located on the fronting or flanking street property line outside the area encompassed by the clear view triangle. ~~The council may allow a higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

B. Rear Yard For Industrial Uses:

1. There shall be no rear yard setback from the rear property line, except where the rear property line abuts property in the residential (R) zone, in which case industrial buildings and structures shall observe the rear yard setback requirement of the residential (R) zone.

2. Fences with a maximum height of eight feet (8') may be located on the rear property line. ~~The council may allow a higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

C. Side Yard For Industrial Uses:

1. There shall be no side yard setback from the side property line, except where the side property line abuts property in the residential (R) zone, in which case industrial buildings and structures shall observe the side yard setback requirement of the residential (R) zone.

2. Fences with a maximum height of eight feet (8') may be located on the side property line. ~~The council may allow a higher fence or wall when it is designed by an engineer and certified by said engineer in terms of its stability.~~

D. Exceptions: Where industrial buildings and structures are subject to rear and side yard setbacks of the abutting residential (R) zone, the exceptions authorized in the residential (R) zone shall apply.

E. Site Lot Coverage: ~~The maximum site lot coverage for all industrial buildings and structures shall be determined by the city council on a case by case basis~~ development on industrial-zoned property shall be 80%.

**Section 29:** That Section 8-8C-8 of the Athol City Code shall be amended to read as follows:

**8-8C-8: OFF STREET PARKING AND LOADING:**

A. Parking and loading standards for uses in the light industrial (LI) zone shall conform to the standards set forth in chapter 12 this title.

B. Where the parking requirements for a use are not specifically defined in this title, the parking requirements for such use shall be ~~determined by the city council, and such determination shall be~~ based upon the requirements for the most comparable use specified in this title, or other requirements based upon the best available information concerning the proposed use.

**Section 30:** That Title 8, Chapter 10 of the Athol City Code shall be amended to read as follows:

Chapter 10

MOBILE, MANUFACTURED AND MODULAR STRUCTURES

8-10-1: INTENT:

8-10-2: REQUIREMENTS:

8-10-1: INTENT:

A. This chapter specifies the requirements of the city to maintain and encourage a suitable family environment and affordable housing throughout the community, to ensure the health, safety, convenience, and general well being of the city. This chapter also specifies the requirements of the city providing for the use of mobile and manufactured structures for nonresidential uses, including, but not limited to, business offices and portable classrooms.

1. ~~Mobile homes, manufactured homes, designated manufactured homes,~~ Manufactured and modular homes are permitted in the residential (R) zone, subject to the requirements stated in section 8-10-2 of this chapter.

2. Nonresidential mobile structures, manufactured structures, ~~designated manufactured structures,~~ and modular structures are permitted in the commercial (C) and light industrial (LI) zones, subject to the requirements stated in section 8-10-2 of this chapter.

B. Mobile, manufactured, ~~designated manufactured,~~ and modular homes or structures not meeting the requirements of section 8-10-2 of this chapter will only be allowed to be sited in existing manufactured/mobile home parks ~~subject to all requirements of chapter 11 of this title.~~

~~C. Any person, partnership, and/or corporation owning three (3) or more adjoining lots, intending to site mobile homes, manufactured homes, designated manufactured homes, or modular homes, shall be required to make application for a special (conditional) use permit for the proposed area for a manufactured/mobile home park, following the regulations in chapter 7, chapter 8, article A, and chapter 11 of this title.~~

## 8-10-2: REQUIREMENTS:

A. Residential uses, outside of an existing manufactured or mobile home park: ~~Mobile, manufactured, designated manufactured,~~ Manufactured or modular homes and structures may be used as a place of human habitation or nonresidential occupancy outside of a manufactured or mobile home park in the city upon compliance with the ~~conditions~~ standards set forth herein: ~~Portable school classrooms shall be subject to all the provisions of this chapter.~~

1. The mobile or manufactured home shall enclose a space of not less than 850 square feet.
2. The mobile or manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade, except when placed on a basement foundation.
3. The mobile or manufactured home shall have a pitched roof with a slope of three (3) feet in height for each twelve (12) feet in width, or greater.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the City or which is comparable to the predominant materials used on surrounding dwellings as determined by the administrator.
5. The structure shall be set in accordance with the requirements of the State of Idaho Division of Building Safety.
6. The structure shall comply with all setback requirements and all other standards and requirements of the Athol City Code as if it were a permanent structure built on-site.

B. Residential uses, within an existing manufactured or mobile home park:

1. The mobile or manufactured home shall have a pitched roof with a slope of three (3) feet in height for each twelve (12) feet in width, or greater.
2. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the City or which is comparable to the predominant materials used on surrounding dwellings as determined by the administrator.
3. The structure shall be set in accordance with the requirements of the State of Idaho Division of Building Safety.
4. The structure shall comply with all setback requirements and all other standards and requirements of the Athol City Code as if it were a permanent structure built on-site.

C. Non-residential uses: Commercial Coach structures may be used for non-residential purposes, to serve any use permitted within the zone it is located, in compliance with the standards set forth herein:

1. The structure shall be set in accordance with the requirements of the State of Idaho Division of Building Safety.
2. The structure shall comply with all setback requirements and all other standards and requirements of the Athol City Code as if it were a permanent structure built on-site.

~~A. Removal Of Forms Of Mobility: No such mobile, manufactured, designated manufactured, or modular home or structure shall be used as a habitation or nonresidential occupancy unless and until all forms of mobility have been removed from such structure. After such removal, such house or~~

structure shall have been installed upon a permanent foundation and permanently attached to power, water, and sanitary facilities, all in accordance with applicable state and municipal regulations.

~~B. Plot Plan: No such mobile, manufactured, designated manufactured, or modular home or structure installation may be made, as just aforesaid, unless and until the owner thereof shall have first presented to the city written plots, clearly showing all streets, alleys, easements, setbacks, and specifications, and shall have received city council authorization for installation. Such placement authorization shall be subject to the payment of applicable fees as required by resolution of the city council.~~

~~C. Compliance With Planning And Zoning Requirements: No such installation shall be authorized unless the city council first finds that such mobile, manufactured, designated manufactured, or modular home or structure complies with all existing planning and zoning ordinance requirements.~~

~~D. Inspections:~~

~~1. Within manufactured home parks, all previously occupied mobile, manufactured, designated manufactured, or modular homes or structures shall be inspected by state authorized contractors (electrical, plumbing, and manufactured home construction service) for certification by the state of Idaho's division of building safety (if built before June of 1976), or by a licensed home inspection service (if built after June of 1976), and shall be brought up to the most recent HUD specifications as required by the aforementioned inspections before being granted authorization for placement within the city. Such inspections shall not be required for such units when they exist on conventional lots outside manufactured home parks.~~

~~2. All new mobile, manufactured, designated manufactured, or modular homes or structures must meet HUD and state building and fire requirements.~~

~~E. Weather/Fire Resistant Requirements: All mobile, manufactured, designated manufactured, and modular homes or structures must meet weather/fire resistant and other requirements of the state division of building safety.~~

~~F. Compliance With Zone District Requirements; Miscellaneous Restrictions:~~

~~1. All mobile, manufactured, designated manufactured, or modular homes or structures in any zoning classification shall meet the requirements of the applicable zone relating to front yards, rear yards, side yards, site area, accessory buildings, height, and off street parking requirements.~~

~~2. No travel/dependent trailers or other recreational vehicles shall be used as a place of residential occupancy for a period in excess of ten (10) consecutive days during any calendar year, except when regularly installed and located in a manufactured/mobile home park or recreational vehicle park regularly used, and maintained as such a park in accordance with chapter 11 of this title.~~

~~3. For all the purposes of this chapter, the term "vehicle" shall mean all instrumentalities capable of movement by means of circular wheels, skids, or runners of any kind, specifically including, but not limited to, all forms of automotive vehicles, buses, trucks, cars, vans, and trailers of any size, whether capable of supplying their own motive power or not.~~

~~G. Application For Placement Permit: All mobile, manufactured, or modular homes or structures, applying for placement permits in the city, shall have been constructed within the previous five (5)~~

years, unless the unit applying for placement meets the definition of a "designated manufacture home or structure" in section 8-1-4 of this title.

~~H. Placement Outside Parks; Foundation: All mobile, manufactured, designated manufactured, or modular homes or structures, not located in an established manufactured/mobile home park, shall be set on permanent foundations, either concrete or of other permanent material, and if not set on an exterior continuous foundation, shall be set on a permanent foundation of smaller size and shall be skirted.~~

~~I. Skirting Requirements: Except where the base of the mobile, manufactured, designated manufactured, or modular home or structure is flush to the ground level, the mobile, manufactured, designated manufactured, or modular home or structure shall be skirted with permanent masonry skirting or a foundation. Every mobile, manufactured, designated manufactured, or modular home or structure shall be provided with a door, or easily removed portion thereof, for access to the underside of the mobile, manufactured, designated manufactured, or modular home or structure.~~

~~J. Size Of Home Or Structure: No authorization shall be issued for any mobile or manufactured homes or structures smaller than fourteen feet (14') in width and forty feet (40') in length, with a special provision that such width shall extend the full length of such mobile or manufactured home or structure, except for within designated manufactured/mobile home parks. No authorization shall be issued for any designated manufactured or modular homes or structures of less than twenty four feet (24') in width and thirty six feet (36') in length, or of at least eight hundred fifty (850) minimum square feet.~~

~~K. Roofs: The roofs of all mobile, manufactured, designated manufactured, or modular homes or structures shall have a minimum pitch of three feet (3') of rise for each twelve feet (12') of horizontal run, and shall have eaves of six inch (6") minimum attached to the entire perimeter. Roofs shall be constructed of any roofing material that is generally acceptable for housing or nonresidential structures built on site, if applied in such a manner as to be similar in appearance.~~

~~L. Exterior Finish: The exterior of all mobile, manufactured, designated manufactured, or modular homes or structures shall be finished with horizontal metal lap siding, simulated wood siding, wood siding, or other acceptable method of exterior treatment (i.e., stucco), applied in such a manner as to be similar in appearance to housing or nonresidential structures built on site.~~

~~M. Single Wide Mobile Homes: Single wide mobile homes may be installed or located within manufactured/mobile home parks within the city; provided, that such installation/location complies with all existing requirements of this title.~~

~~N. Vested Rights Of Owner: Any mobile, manufactured, designated manufactured, or modular home or structure, which is the principal residence or place of nonresidential occupancy of the owner at the time of the adoption of this title, such owner shall maintain vested rights to repair, maintain, and/or replace the existing mobile, manufactured, designated manufactured, or modular home or structure, should that structure be destroyed by fire, explosion, act of God, act of public enemy, or other cause, and not conform to the minimum size, age, siding, and roof requirements as stated in this section. These vested rights shall be valid for a period of ninety (90) days after the date~~

~~the previous unit was destroyed, and shall only apply to the replacement unit being identical to the one that was destroyed. These vested rights are not transferable and shall not apply to parties that do not own or occupy such mobile, manufactured, designated manufactured, or modular homes or structures. (Ord. 263, 7-12-2005)~~

**Section 31:** That Title 8, Chapter 11, Manufactured/Mobile Home Park Standards, of the Athol City Code shall be deleted in its entirety.

**Section 32:** That Section 8-12-5 of the Athol City Code shall be amended to read as follows:

**8-12-5: LOCATION OF PARKING AND LOADING SPACES:**

Off street parking and loading spaces shall be located as specified herein.

A. Accessibility; Location: All required off street parking and loading spaces shall be accessible and shall be located on the same lot as the use or building requiring such spaces, except that parking facilities for nonresidential uses may be separated from the use or building it serves by an alley as long as the ownership of the parking area is the same as the use or building it serves.

B. Prohibited In Yard Area: Off street parking and loading spaces shall not be located within any required yard area.

C. Backing Into Public Street: Except for single-family and duplex dwelling units, parking shall be so designed that vehicles shall not back out into public streets.

D. Blocking Stairways Or Walkways: Parking and loading spaces shall not preclude direct and free access to stairways, walkways, any pedestrian accesses, or fire safety equipment.

E. Residential Uses: For residential uses, an area at least large enough to house the parking required by subsection 8-12-4A of this chapter shall be provided on the driveway or other on site approved parking site serving the residential use. Such on site parking area may be located within a required setback area.

F. Nonresidential Parking Spaces, Design: All nonresidential parking spaces and/or stalls and aisles shall be designed in accordance with figure 1, "Minimum One-Way Parking Design", or figure 2, "Minimum Two-Way Parking Design", included in section 8-12-10 of this chapter. Parking spaces designed at any angle other than those shown in said figures are permitted, provided the width of stalls and aisles is proportionately adjusted based upon the angle proposed.

G. Handicap Parking: Handicap parking shall be installed and designated in accordance with all handicap accessibility requirements of the state of Idaho.

H. Bicycle Racks, Storage Areas: Whenever twenty five (25) or more parking spaces are required for a building or use, bicycle racks or bicycle storage areas shall be provided at a ratio of one bicycle rack or bicycle storage area for each twenty five (25) required parking spaces.

~~I. Council Approval Of Parking Plans: All parking plans shall be submitted to the city council for review and approval prior to the authorization of any building or land use.~~

**Section 33:** That Section 8-12-6 of the Athol City Code shall be amended to read as follows:

8-12-6: DRIVEWAY STANDARDS:

Each parking space and loading space shall be accessible as to both entrance and exit as provided for herein:

A. Curb Openings, Entryways: The curb openings or entryways to the lot and driveways or approaches to parking spaces shall not exceed fifty two percent (52%) of the total length of the fronting or flanking street property line or width of the street facing yard area, except where a circular driveway is provided and the ~~city council~~ administrator approves the design and location of such circular driveway.

B. Driveway Or Approach: Each driveway or approach to a parking space shall have a minimum clear width of ten feet (10'); provided, however, that a driveway in residential zones may be reduced to nine feet (9') where no pedestrian passage is required. The width of the driveway or approach to a loading space shall be as set forth elsewhere in this chapter.

C. Vertical Clearance: The vertical clearance above the surface of the driveway or approach to a parking space shall be not less than seven feet (7'). The vertical clearance for the driveway or approach to a loading space shall be as set forth elsewhere in this chapter.

D. Parking Space Slope: No driveway or approach to a parking space shall have a slope in excess of eight percent (8%), except for residential uses which shall not exceed twelve percent (12%). For loading spaces, the slope of the driveway or approach shall be as set forth elsewhere in this chapter.

E. Outer Radius Of Curve: The outer radius of a curve in any driveway or approach shall be a minimum of twenty five feet (25').

**Section 34:** That Section 8-12-7 of the Athol City Code shall be amended to read as follows:

8-12-7: IMPROVEMENT OF DRIVEWAY AND PARKING AREAS:

A. Grading And Surfacing: ~~For non-residential uses All parking and loading areas and driveway access thereto shall be graded. In addition, all parking and loading areas and driveways shall be paved or hard surfaced to a standard comparable to the public street which services the driveway and parking area, or as determined by the city council. In rendering its determination, the city~~

~~council shall take into consideration the nature of the proposed use (i.e., an individual residence, or a parking area for cleated and other heavy equipment, may not warrant paving or hard surfacing). In determining the type of surfacing to be utilized, the city council shall ensure that it will not adversely affect air quality, water quality, or the integrity of the driveway and parking area.~~

B. Completion Of Area; Drainage; Traffic Control Devices: All paving and hard surfacing, or alternative improvements authorized by the ~~council~~ administrator, shall be completed from the parking area to the nearest public street or right of way and provide for proper storm drainage, and allow for parking stalls and installation of other traffic control devices as set forth by this chapter. All traffic control devices, such as parking strips designating car stalls, directional arrows or signs, curbs and other traffic control devices, shall be installed and completed as required by this chapter and as shown on the approved plans. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard surfaced areas.

C. Inspection: Where more than ten (10) parking spaces are required, the parking lot surfacing and drainage facilities shall be inspected and approved prior to occupancy of the premises.

**Section 35:** That Section 8-12-8 D. of the Athol City Code shall be amended to read as follows:

D. Combined Uses: Where a proposed building or structure is intended to be used concurrently for different uses, final determination of required loading spaces shall be made by the ~~city council~~ administrator; provided, that the loading requirement for the combined uses shall not be less than the total requirement for each separate use.

**Section 36:** That Section 8-12-9 of the Athol City Code shall be amended to read as follows:

**8-12-9: LANDSCAPING REQUIREMENTS FOR PARKING AREAS:**

No building construction shall be authorized where landscaping is required until a landscaping plan has been submitted and approved by the ~~city council~~ administrator.

A. Fronting Street Right Of Way: A parking area fronting on a street right of way shall provide a landscaped planting area, of at least three feet (3') in width, along the entire street frontage except for driveways; provided, that the plantings shall not obstruct the sight distance required at street intersections or driveway approaches.

B. Adjacent To Residential Property: Where a parking area abuts residentially zoned property along any interior side or rear property line, either a wall or fence with a height of six feet (6'), or a landscaped strip with a minimum width of five feet (5'), shall be installed adjacent to the property line.

C. Planting Requirements: All landscaping shall consist of a liberal mix of deciduous and/or evergreen trees, planted in wells or strips, with a variety of ornamental deciduous and evergreen shrubs, and ground covers, the latter which may include such features as lawn, bark, decorative



rock, or gravel. Where practical and feasible, existing trees shall be retained in all landscaping areas. All such planting areas shall be automatically irrigated and shall be maintained in a live and healthy condition. Dead or dying plantings shall be promptly removed and replaced.

D. Separation From Parking Area; Curbing: All landscaped areas along the perimeter of a parking area shall be separated from such parking area by six inch (6") high curbing.

E. Time Of Installation: All required landscaping and irrigation shall be installed prior to occupancy of the premises. In the event that winter weather precludes timely completion of landscaping improvements in accordance with the approved plans, the ~~city council~~ administrator may allow occupancy to proceed upon receipt of an acceptable guarantee of financial surety to complete installation when weather conditions allow.

**Section 37:** That Title 8, Chapter 14 of the Athol City Code shall be amended to read as follows:

Chapter 14

NONCONFORMING USES, PARCELS AND BUILDINGS

8-14-1: GENERAL:

8-14-2: NONCONFORMING STRUCTURES

8-14-3: NONCONFORMING USE OF STRUCTURES, LAND OR STRUCTURES AND LAND IN COMBINATION:

8-14-4: NONCONFORMING PARCELS OF LAND

8-14-1: GENERAL:

Within the City of Athol there exist parcels of land, structures and uses which were lawful prior to adoption of this title or under previously adopted ordinances, but which no longer conform to the regulations for the zoning district in which they are located. It is the intent of this title to permit these nonconformities to continue until they are substantially destroyed, removed or brought into conformance with this title, providing the nonconformity is not enlarged or expanded. Nonconformities shall be regulated according to the provisions of this chapter.

8-14-2: NONCONFORMING STRUCTURES:

A. Nonconforming structures shall not be expanded or enlarged in a way that increases the nonconformity. For example, a home that does not meet the rear setback requirement to the property line may not construct a deck or addition to any portion of the house that further encroaches into that setback. An addition may, however, be constructed to the front of the house.

B. A nonconforming structure that is completely demolished, removed, or relocated from the parcel on which it was previously located may be replaced within twelve (12) months of its demolition, removal, or relocation, provided that no portion of any replacement structure shall increase the previously existing nonconformity. Otherwise, any subsequently built structures shall conform to the provision of this title.

C. Ordinary repairs and additions may be performed on a nonconforming structure, including but not limited to repair or replacement of the roof, walls, fixtures, wiring, or plumbing, provided that such work does not increase the nonconformity.

8-14-3: NONCONFORMING USE OF STRUCTURES, LAND, OR STRUCTURES AND LAND IN COMBINATION:

A. The nonconforming use of a structure, land, or structure and land in combination, shall not be expanded beyond that which lawfully existed on the effective date of this title or previously adopted applicable ordinances. Criteria used to determine use and expansion shall include hours of operation, square footage of structures or area used, traffic generated, volume of goods handled, number of dwelling units. A nonconforming use shall not be used as justification for expanding or adding structures or other nonconforming uses.

B. Upon written request to, and approval by, the administrator, a nonconforming use may be changed to another nonconforming use, providing the new use would result in the same or greater conformity to this title, and providing the previous use is permanently abandoned. Nonconforming uses must progress towards conformity. For example, a nonconforming business that produces noise and emissions could be replaced by another nonconforming business that is quieter and does not produce emissions. If a nonconforming use is replaced with a permitted use, nonconforming uses shall not thereafter be allowed.

C. When any nonconforming use is discontinued for a period of twelve (12) consecutive months, any subsequent use shall conform to this title. Nonconforming uses that are discontinued are also governed by the requirements of section 67-6538, Idaho Code.

D. Ordinary repairs and additions may be performed on a structure housing a nonconforming use, including, without limitation, repair or replacement of the roof, walls, fixtures, wiring or plumbing, provided that such work does not increase the nonconformity.

E. A structure housing a nonconforming use that is completely removed may not be replaced unless the use and structure are in conformance with this title.

8-14-4: NONCONFORMING PARCELS OF LAND:

A. A parcel of land shall not be modified in any manner that results in it becoming a nonconforming parcel, or that expands or enlarges an existing nonconformity, unless the modification resulted from the exercise of eminent domain.

B. Upon written request to, and approval by the administrator, a nonconforming parcel may be changed, providing the modification results in the same or greater conformity with this title. Nonconforming parcels must progress toward conformity. For example, the lot line of a lot that does not meet the minimum size could be adjusted to increase the size of the lot, but it could not be adjusted in a manner that would make the lot smaller.

~~8-14 1: PURPOSE:~~

~~8-14 2: APPLICABILITY:~~

~~8-14 3: CONTINUATION; RESTRICTIONS:~~

~~8-14 4: EXCEPTIONS:~~

~~8-14 1: PURPOSE:~~

~~The purpose of this chapter is to permit reasonable continuance of the operation of nonconforming uses and buildings, while providing for their gradual elimination if certain specified events occur. Existing nonconforming uses and buildings shall be subject to the specific regulations of this chapter as well as to the general provisions of this title.~~

~~8-14 2: APPLICABILITY:~~

~~The provisions of this chapter shall apply to all buildings, structures, or uses of land which are nonconforming at the time of adoption of this title, as well as to those that become nonconforming as a result of subsequent changes in zoning regulations.~~

~~8-14 3: CONTINUATION; RESTRICTIONS:~~

~~The following provisions shall be applicable to all nonconforming uses, buildings, and structures:~~

~~A. Continuation; Exception: A nonconforming use, building, or structure may be continued as is; however, no expansion of operations or enlargement of floor area shall be permitted, except as otherwise provided in this chapter.~~

~~B. Nonuse; Termination: A nonconforming use, or portion thereof, shall be terminated if such use is discontinued for one year.~~

~~C. Alteration Or Enlargement: A nonconforming building or structure, or that portion of a building or structure used for a nonconforming purpose, may continue as is, but shall not be altered or enlarged except as otherwise provided in this chapter. Notwithstanding other provisions of this chapter, alterations and repairs as required by governmental regulation or for safety purposes shall be permitted.~~

~~D. Repairs: Repair of nonconforming buildings or structures, and buildings and structures which are used for a nonconforming purpose shall be allowed.~~

~~E. Change Of Use: A nonconforming use shall not be allowed to change within its own major land use type (i.e., commercial or industrial), except that a commercial or industrial use in a residential zone shall not be allowed to change to any other type of nonconforming use.~~

~~F. Damage Or Destruction: Any nonconforming building or structure that is damaged or destroyed and the cost of replacement or repair exceeds fifty percent (50%) of the fair market value of the building or structure prior to its damage or destruction, as determined by a qualified appraiser shall be removed.~~

~~G. Outdoor Storage Areas: All nonconforming outdoor storage areas shall be required to conform to the applicable provisions for screening and/or enclosure within six (6) months of the effective date hereof. (Ord. 263, 7-12-2005)~~

~~8-14-4: EXCEPTIONS:~~

~~Notwithstanding section 8-14-3 of this chapter, the following are exceptions for nonconforming uses, buildings, and structures:~~

~~A. Residential Buildings: Nonconforming residential buildings or structures may be continued, altered, or enlarged, in any manner consistent with current regulations, as if no nonconformity existed. This exception shall not apply to the addition of bedrooms to residential buildings which are nonconforming in terms of parking requirements and which are located on a lot containing more than one dwelling unit.~~

~~B. Commercial Or Industrial Buildings: Commercial or industrial buildings or structures located in either the commercial zone or light industrial zone, which are nonconforming in terms of height and/or setback, may be continued, altered, enlarged, or operations expanded, in any manner consistent with current regulations, as if no nonconformity existed.~~

**Section 38:** That Section 9-3-5 B.10. of the Athol City Code shall be amended to read as follows:

10. ~~An irrevocable letter of credit, or other~~ A suitable guarantee required to be posted by the subdivider, shall be in an amount equal to two hundred percent (200%) of the actual contract cost for construction of the required facilities and improvements or projected construction cost as verified by the City Engineer, as the case may be, for all improvements which have not been constructed and approved at the time of final plat application.

**Section 39:** Severability. The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

**Section 40:** Repeal of Conflicting Provisions. All provisions of the ordinances of the City of Athol which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 41:** Effective Date. The Ordinance shall be effective upon passage and publication as provided by law.

Approved by the Mayor on the \_\_\_ day of \_\_\_\_\_, 2018.

CITY OF ATHOL

By: \_\_\_\_\_  
Robert Wachter, Mayor

ATTEST:

\_\_\_\_\_  
Lori Yarbrough, City Clerk