

CHAPTER 3 – ZONING DISTRICTS

1.0 Dubois/Spencer Residential Zoning District

- A. Purpose.** The purpose of the Dubois Residential Zoning District (RZD) and the Spencer Community Residential Zoning District (SCRZD) is to provide areas in which existing and new single family dwellings will be free of the conflicts that arise where residential uses are mixed with commercial or industrial enterprises,
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Performance Standards.** Development in the DRRZD and the Spencer Community Residential Zone shall be subject to the general performance standards.

2.0 Rural Zoning District

- A. Purpose.** The purpose of the Rural Zoning District (RLZD) is to promote continued agricultural use of most rural private lands within Clark County while also providing for other traditional rural activities, including small-scale mining (large mining operations are industrial uses), logging, and home businesses that are compatible with farm and ranch operations. This zoning district also permits limited development of rural residences and commercial uses.
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Specification Standards.**

Density Factors in Rural Clark County

Column 1 Planning Area	Column 2 Density : Acreage
Kilgore	1:40
Spencer	1:20 (outside of City Area of Impact)
Medicine Lodge Crooked Creek	1:20
Birch Creek	1:20
Snake River Plain	1:20

- E. Non-Conforming Lots -** Parcels or Lots existing in the Rural Living Zone prior to January 1, 2011 (the official adoption date of this Code) which do not meet the density requirements stated above shall retain a vested right of one (1) building permit on said property. That vested right shall be transferable upon sale of the property to another. The parcel may not be split to form two

non-conforming parcels. The parcel in question shall meet the minimum lot size of 2.5 acres and all other development requirements of this title

F. Transfer of Development Rights

1. The development rights associated by Table 4 may be transferred to any suitable site within the owner's holdings and need not be contiguous. Both a plat map and a full legal description of the lands from which any such transfer is proposed shall accompany the application for a permit.
2. The development rights assigned by Table 4 may be transferred to other properties within the same planning area. Both a surveyed plat map and a full legal description of the lands from which any such transfer is proposed shall accompany the application for a permit, as shall a statement of consent to the transfer signed by the owners involved. The instruments necessary for transfer of development rights shall be recorded with the Clark County Clerk and Assessor's Offices before a certificate of compliance is issued.

3.0 Commercial Zoning District

- A. Purpose.** The purpose of the Commercial Zoning District (CZD) is to provide a place for existing and new commercial uses.
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Performance Standards.** Development in the CZD shall be subject to the general performance standards.

4.0 Industrial Zoning District

- A. Purpose.** The purpose of the Industrial Zoning District (IZD) is to provide places where industrial uses can operate with minimal conflict with less intensive uses.
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Performance Standards.** Development in the IZD shall be subject to the general performance standards.

5.0 Rural Residential Zoning District

- A. Purpose.** The purpose of the Rural Residential Zoning District is to provide for a density of 1:2.5 acres for rural residential development in Clark County.
- B. Permitted Uses.** See Land Use Chart, Table 1:
- C. Conditional Uses.** See Land Use Chart, Table 1:
- D. Performance Standards.** Development in the RRZD shall be subject to the general performance standards. See Specifically Chapter 4, Section 5.0 Access

Table 1: Permitted and Conditional Land use in Clark County

<u>RESIDENTIAL USES</u>	R Z D	S C R Z D	R L Z D	R R Z D	C Z D	I Z D
Construction or relocation of roads on new alignments, or the addition of general purpose travel lanes to an existing road requiring new right-of-way.	C	C	C	C	C	C
Planned Unit Developments	C	C	C	C	C	C
Dwelling, Single Family Detached	P	P	P	P	C	
Dwelling, Two Family	P	P	C	P	C	
Dwelling, Single Family Attached	C	C	C	P	C	
Dwelling, Multiple Family – Condos	C	C	C	C	C	
Home Business	P	P	P	P	C	
Lot Split	P	P	P	P	P	P
Manufactured Home (meeting Performance Standards)	P	P	P	P	C	
Mobile Home Park	C	C	C	C		
Mobile Home Single (meeting Performance Standards)	P	P	P	P	C	
Other Residential Accessory and Incidental Uses	P	P	P	P	C	
Private Swimming Pool/Tennis Court	P	P	P	P	C	
Secondary Residential or Caretaker housing (Meet Performance Standards)	P	P	P	P	C	
Shelter Homes with 8 or less clients	C	C	C	C	C	
Subdivision	C	C	C	C	C	
<u>AGRICULTURAL USES</u>						
Agriculture general (farming & ranching)	P	P	P	P		C
Beekeeping			P	P		C
Breeding or raising domestic animals for sale, food or pleasure	P	P	P	P		
Chicken / Turkey Farm			C			
Commercial Feedlot			C			
Confined Animal Feeding Operation (CAFO)			C			
Dairy Business			P			
Dude Ranch		P	P			
Gardens and orchards home use	P	P	P	P		
Hog Farm			C			
Kennel	P	P	P	P		
Orchard Commercial	P	P	P	P	P	C
Orchard Home business	P	P	P	P	P	
Raising of fur-bearing animals	C	C	P	C		C
Sales stands for produce grown on premises	P	P	P	P	P	P
Stables, Riding academies	C	P	P	P	C	
Wildlife reserve			P			
Wildlife game farm			P			

<u>COMMERCIAL USES AND SERVICES</u>	R Z D	S C R Z D	R L Z D	R R Z D	C Z D	I Z D
Administration & Business Offices					P	P
Animal Clinic or pet hospital			P	P	P	P
Antique/Collectable/Handicraft/Hobby Sales			C	P	P	P
Auto/truck wash					P	P
Auto/truck Salvage (junkyard) & metal, rag, glass, paper, and plastic recycling operation			C		C	C
Auto/truck parts, tires & Accessories					P	P
Auto/truck used parts and/or rebuilding					C	C
Auto/truck repair, towing					P	P
Auto/truck/trailer/farm equipment Sales					P	P
Bakery/confectionery/Deli			C	P	P	P
Bank/ Financial institutions			C		P	P
Barber/Beauty Shop	C	C	C	P	P	P
Bed & Breakfast Facilities (Inn)less than 6 rooms	C	C	C	P	P	
Billboards (Outdoor Advertising)			C		P	P
Boat/Recreation Vehicle Sales, Service and rental			C		P	P
Book/Stationery/print shop/Music store					P	
Building Material/Home Improvement/Hardware Sales					P	P
Building/yard maintenance Service			C	C	P	P
Cabinet / Furniture Sales/Repair				P	P	P
Commercial parking					P	P
Contractor, Pump and Well Drilling					P	P
Contractor, General			C	C	C	P
Contractor, Excavation/ Heavy Equipment/ storage yard			C	C	C	P
Contractor , Building			C	C	P	P
Convenience Store w/o gasoline sales	C	C	C	P	P	P
Convenience Store with gasoline sales	C	C	C	P	P	P
Day Care Center	C	C	C	P	P	
Day Care Home 1-6 Children	P	P	P	P		
Department Store					P	
Garden/Nursery Store				P	P	P
Gasoline Service Station				P	P	P
Grocery Store					P	C
Hotel/Motel		C			P	
Laundry/dry cleaning/Laundromat	C	C	C	P	P	C
Leather Goods Sales/Repairs	C	C		P	P	P
Liquor Sales	C	C		P	C	
Medical/Dental Clinic-Offices	C	C			P	
Mini/Self Storage Units	C	C		C	P	P
Mobile Home/Manufactured Home Sales					C	C
Mortuary	C	C			P	P
New/Use Vehicle Sales					P	P
Adult Material sales/rental					C	
Pawn Shop					P	P
Pet Shop			C		P	P
Pharmacy					P	

	R Z D	S C R Z D	R L Z D	R R Z D	C Z D	I Z D
Restaurant/ Quick food establishment	C	C	C	C	P	C
Retail Sales		C	C	C	P	C
Small Appliance/Computer sales and Repair			C	P	P	C
Sporting Goods		C	C	C	P	C
Storage of Boats/RV's/Autos/Trucks					P	P
Studio - Health, Exercise, Massage	C	C	C	C	P	
Studio - Art/photo/drama/dance	C	C		P	P	
Tavern, Dance Hall, Night Club	C	C	C	C	C	C
Theater, outdoor		C	C	C	C	
Theater, indoor			C	C	P	C
Truck Stop		C	C	C	C	P
Variety Store					P	
Railroad Car/cargo containers as storage		C	C	C	C	C
Buses and truck trailers as storage			C	C	C	C
<u>INSTITUTIONAL / SPECIAL USES</u>						
Airport/Heliport , Private			C		C	C
Airport/Heliport, Public			C		C	C
Cemetery	C	C	C	C		
Church/ Religious Assembly	C	C	C	C	C	
Fire Station	C	C	C	C	P	P
Preschool (See Day Care Center)	C	C	C	C	C	
Private School	C	C	C	C	C	
Public Park	P	P	P	P	P	C
Public School	C	C	C	C	C	
Public Building	C	C	C	C	P	P
Trade , Vocational or commercial schools	C	C	C	C	P	P
Zoo	C	C	C	C	C	
<u>INDUSTRIAL USES</u>						
Chemical storage distribution					C	C
Component assembly					C	C
Concrete Batch Plant			C			C
Contractor, Landscape/Fencing		C	C	C	C	P
Energy Production Facilities			C		C	P
Freight Terminal			C		C	P
Fuel / coal/ firewood/propane dealer		C	C	C	C	P
General Warehousing			C	C	C	P
Lumber/sawmill plant/ Lumber yard		C	C	C	C	P
Manufacturing plants						P
Petroleum bulk plants			C		C	P
Processing plant for agricultural products			C			P
Quarry/gravel pit/rock crushing/mining		C	C	C		C
Sheet metal/roofing/sign/fabrication shop					C	P
Welding/ Machine Shop			C	C	C	P
Wholesale outlets/storage and sales					P	P

<u>UTILITY & RELATED SERVICE USES</u>	R Z D	S C R Z D	R L Z D	R R Z D	C Z D	I Z D
Hospital , Ambulance garage	C	C	C	C	C	
Irrigation Canals and facilities	P	P	P	P	C	C
Railroad tracks, right-of-way related facilities	C	C	C	C	C	C
Recycle bin for collection	P	P	P	P	P	P
Sewage, pumping, treatment	C	C	C	C	C	C
Water facilities, pumping , treatment, storage , well	C	C	C	C	C	C
Utilities Transmission line	C	C	C	C	C	C
Utilities, public or private other than listed	C	C	C	C	C	C
Utility Shops, Storage Yards and buildings	C	C	C	C	C	P
Utility Installation & Public Service Facility/Clark substation/gas metering-pumping station/Telephone switching- relay and Transmitting equipment	C	C	C	C	C	C
Wind Turbine Towers Personal and hobbyist private pole mounted non-guyed	C	C	C	C	C	C
Wind Turbines Commercial Wind Farms			C			
Wind Anemometers (for Wind Measurement Only)	C	C	C	C	C	C
Wireless communication facilities and tower/ Radio, Television or Microwave towers	C	C	C	C	C	C
<u>RECREATIONAL USES</u>						
Campground	C	P	P	P	C	
Golf Course	P	P	P	P	P	
Hunting lodge and rental cabins	C	C	P	P	C	
Indoor Entertainment, Sports and Recreation	C	C	P	P	P	
Marina			P	P	C	
Noise Park/ Dirt Bike track/ Outdoor Entertainment, Sports and Recreation		C	C	C	C	C
Public Swimming pool	P	P	P	P	P	
Public Riding stables	C	P	P	P	C	
Recreational Vehicle Park	C	C	P	P	C	
Shooting Preserve/ Hunting Farm			P	C		
Snowmobile rental		P	P	P	P	C
Theatrical shows, wagon rides, dinner theater indoor or outdoor	C	C	P	P	P	
Watercraft rental			C	C	P	
Winter sports facilities		C	C	P	P	

<u>TEMPORARY USES</u>	R Z D	S C R Z D	R L Z D	R R Z D	C Z D	I Z D
Carnival or Circus	C	C	C	C	C	
Christmas Tree Sales	P	P	P	P	P	P
Contractor's Office and construction equipment sheds and staging area		C	C	C	C	C
Fireworks Stand		C	C	C	C	
Real Estate sales office on land for sale	C	C	C	C	C	
Religious tent meeting	C	C	C	C		

5.0 Uses Not Listed:

Because listed uses can be incomplete, decisions on specific uses not listed will be rendered by the Planning and Zoning Administrator with appeal to the Planning and Zoning Commission. The planning department will maintain a copy of the new classification action and treat all subsequent requests for said use accordingly.

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CHAPTER 4 - ZONING DISTRICT PERFORMANCE STANDARDS

1.0 Bulk and Placement Standards:

The following table sets forth building bulk and placement standards for the zoning districts.

Table 2: Setback and lot restrictions for Clark County

Zones	RZD	SCRZD	RLZD	RRZD	CZD	IZD
Minimum Lot Size	1 family: 5,000 SF 2 family: 7,000 SF	Within Spencer City Limits – 1 family: 5,000 SF 2 family: 7,000 SF Outside of Spencer City Limits but within the area of Impact 2.5 or 5.0 see Impact Area Ordinance	2.5 acres (requires TDR within 1:20 or 1:40 Density)	2.5 acres	Residential same RZD Other uses: 5,000 SF	5,000 SF
Min. Lot Frontage	50 LF	50 LF	50 LF	50 LF	50 LF	50 LF
Min. Front Setback	20 LF	20 LF	20 LF	20 LF	Facing Main: none* Elsewhere: 20 LF	Planting Strip/Landscape Buffer
Min. Side Setback	5 LF	5 LF	5 LF	5 LF	Facing Main: none Elsewhere: 5 LF	10 LF
Min. Rear Setback	5 LF	5 LF	5 LF	5 LF	Facing Main: none Elsewhere: 5 LF	10 LF
Max. Lot Coverage	40%	40%	30%	30%	Facing Main: 100 % Elsewhere: 70%	80%
Max. Bldg. Height	35 LF	35 LF	35 LF	35 LF	35 LF	60 LF

* Overhangs shall drain away from Main Street with flat front façade.

A. Airport Runway Protection Overlay District

The City of Dubois Airport Overlay District does not modify the boundaries of any underlying zone district. Where identified, the City of Dubois Airport Overlay District shall impose certain requirements on land use and construction in addition to those contained in the underlying zone district as follows:

Airport Zone Height Limitations: Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained and no tree shall be allowed to grow to over 35 feet within the overlay district.

Land Use Compatibility Requirements: Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the following:

1. General: Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport Overlay Zone District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or

otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the City of Dubois Airport.

- B. Lighting: No new or expanded industrial, commercial, recreational or residential use shall project lighting directly onto an existing runway, taxiway or approach/departure surface except where necessary for safe air travel. Lighting for these uses shall incorporate shielding to reflect light away from airport approach/departure surfaces, and shall not imitate airport lighting. Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned to require the installation and maintenance, at the owner's expense, of such marking or lighting as deemed necessary to assure both ground and air safety.
- C. Communications Facilities and Electrical Interference: No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft.
- D. Landfills: No new sanitary landfills, sewage lagoons, sewage sludge disposal facilities or similar facilities shall be permitted within 10,000 feet of the runway. Expansion of existing landfill or sewage disposal facilities within this distance shall be permitted only upon demonstration that such facilities shall be designed and operated so as not to increase the likelihood of bird/aircraft collisions.

Pre-Existing Non-Conforming Uses: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use; however, the owner of any existing non-conforming use shall be required to allow the installation, operation and maintenance of such markers and/or lighting as shall be deemed necessary by the City of Dubois Council, to include written consensus from the Federal Aviation Administration or the Idaho Department of Transportation as provided in Title 51, Chapter 5, Idaho Code. No non-conforming use shall be structurally altered so as to increase the non-conformity, and a non-conforming use, once substantially abated, may only be reestablished so as to comply with the provisions herein.

Land Use Applications: In addition to information required on existing or future land use applications for residential, commercial or industrial development, conditional uses permits, temporary use permits, subdivisions or other land-use permits as established, applicants within the airport overlay shall provide a map or drawing showing the location of the property in relation to the City of Dubois Airport, and an elevation profile and site plan, both drawn to scale, to include the location and height of all existing and proposed structures and trees, measured in feet above mean sea level, when within the Runway Protection Zone: Any structure or tree or tree is proposed.

Variance: Any person desiring to erect or increase the height of any structure or permit the growth of any tree, or to use property in a manner not in accordance with the provisions of this ordinance, may make application to the zoning administrator for a variance from such regulations. The application shall be accompanied by a determination from the Federal Aviation Administration and the Idaho Division of Aeronautics as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. Such variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the

public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this ordinance.



City of Dubois Airport
Runway Protection Overlay District