

CITY OF CLARK FORK, IDAHO  
ZONING ORDINANCE  
NO. 222

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING ZONING FOR THE CITY OF CLARK FORK, IDAHO; PROVIDING FOR A SHORT TITLE; PROVIDING AUTHORITY; PROVIDING INTERPRETATION; PROVIDING SCOPE; PROVIDING DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF DISTRICTS AND A ZONING MAP; PROVIDING FOR USE DISTRICTS; PROVIDING FOR DESIGNATED USES; PROVIDING FOR NON-CONFORMING USES; PROVIDING FOR STREET ACCESS; PROVIDING FOR A SCHEDULE OF FEES, CHARGES AND EXPENSES; PROVIDING FOR PENALTIES; PROVIDING FOR SEPARABILITY OF THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE AND PUBLICATION THEREOF;

WHEREAS A PUBLIC HEARING REGARDING THIS ORDINANCE WAS CONDUCTED THIS 26th DAY OF JULY, 2000 AT 6:00 P.P.M. WITH THE CITY COUNCIL ACTING AS BOTH THE GOVERNING BOARD AND THE PLANNING AND ZONING COMMISSION;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CLARK FORK, IDAHO:

SECTION 1.0 SHORT TITLE.

A. This ordinance shall be referred to as "Zoning Ordinance of the City of Clark Fork, Idaho."

SECTION 2.0 AUTHORITY.

A. This Zoning ordinance is adopted pursuant to authority granted by Title 76, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

SECTION 3.0 INTERPRETATION.

A. In their interpretation and application the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare, to retain and enhance upon the aesthetics of the community, to preserve and enhance land values, to separate incompatible uses and to promote security within the community. To protect the public, among other purposes, such provisions are intended to provide for adequate light, safety from fire and other danger, and for undue concentration of populations.

B. The purpose of this ordinance shall be a good general statement relative to the comprehensive plan.

#### SECTION 4.0 SCOPE.

A. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenants running with the land to which the City is a party. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

#### SECTION 5.0 DEFINITIONS.

A. For the purposes of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Accessory Use Of Buildings" is a subordinate use of building customarily incident to and located on the same lot with the main use or building.

"Alley" is any public space or thoroughfare twenty feet (20') but less than sixty (60') feet in width which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property. Access through an alley to the property shall not be considered legal access for purposes of fulfilling the requirements of this Ordinance.

"Alterations" as applied to a building or structure is a change or rearrangement in the structural parts or in the exit, facilities, or an enlargement, whether by extending on a side or by increasing in height, or in the moving from one location to another.

"Home Occupation" is any gainful operation, profession, or craft, which is customarily incidental to, carried on in a dwelling place and the use therein is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which occupation is carried on only by the immediate members of the family residing within the dwelling place. Signage for the home occupation shall be limited to a maximum of four (4) square feet.



"Non-Conforming Use." A use of premises which does not conform to the regulations of this Ordinance, but which was in existence and in conformance with the existing regulations at the effective date of of this Ordinance.

"Flood Plains." Are those areas which are subject to periodic flooding and use shall be restricted to those not susceptible to flood damage or structures which are flood-proofed and constructed above flood elevations. See current ORDINANCE for construction in flood prone areas

#### SECTION 6.0 ESTABLISHMENT OF DISTRICTS AND ZONING MAP.

A. Use Districts Established. For the purposes of this Ordinance the City of Clark Fork, Idaho, is hereby divided into Use Districts as hereinafter provided.

B. Maps and Boundaries. The boundaries of the Use Districts are hereby established as shown on a map entitled Zoning Map of the City of Clark Fork, Idaho.

C. As much as possible, zoning district's boundaries shall fall at the alleyway or back property line so that like uses will be facing each other.

D. Zoning across lot lines. If a lot which was platted or recorded prior to the adoption of this Ordinance is split by two different zones, the lot shall be considered, in whole, zoned to that use in which a majority of the lot is zoned.

E. Flood Plain Zoning. In a lot which is platted within a flood plain any construction of roads or structures shall as much as possible be constructed so as:

1. To prevent restriction of the natural flow and capacity that may cause added flood damage.
2. To prevent land use choices that may be detrimental to safety, health, and property.
3. To prevent burdening taxpayers with unnecessary expenditures for public work and disaster relief.
4. All buildings shall be built as per the Federal Flood Plan.
5. All structures used for human habitation shall have a first floor elevation one (1) foot or higher above the 100 year flood plain elevation or the base flood elevation as shown on the most current FEMA maps.
6. No land shall be filled without a flood plain development permit and an engineering report verifying that the fill will not alter drainage or divert flood waters to other properties
7. All structures shall meet City, State and Federal standards in effect at that time.

## SECTION 7.0 USE DISTRICTS.

A. The City of Clark Fork, Idaho, is hereby divided into four use districts which shall be known as:

1. Single Family Residential (SFR)
2. Commercial (C)
3. Neighborhood Commercial (NC)
4. Light Industrial (LI)

## SECTION 8.0 DESIGNATED USES.

A. Single Family Residential, (SFR). The purpose of this zone is to have land area set aside by zoning procedures and in accordance with the COMPREHENSIVE PLAN to preserve and enhance predominately single family living areas at a low density standard.

1. Uses Permitted. The following uses shall be permitted in the Single Family Residential Zone:
  - (a) One single family dwelling.
  - (b) Accessory buildings if constructed simultaneously or subsequent to the main building on the same lot.
  - (c) Accessory uses normally incidental to single-family residences. This shall not be construed as permitting any commercial use.
2. Conditional Uses. The following conditional uses may be permitted subject to obtaining a use permit.
  - (a) Churches, schools, parks, playgrounds, and public utility buildings.
  - (b) Family day care facilities.
  - (c) Home occupations.
  - (d) Multifamily residential
  - (e) In addition to the uses listed above, other uses may be permitted subject to approval upon proper application to the City Council.

B. Commercial (C) The purpose of this zone is to provide for areas that will fulfill the need for travel related services, retail sales and professional offices servicing a major highway and catering both to local and travel-related services.

1. Uses Permitted. The following uses shall be permitted in the Commercial Zone:
  - (a) Automobile service stations, automobile car washes, repair garages (not including body shops), and towing services, provided



all operations, except servicing with petroleum products, air, and water, be conducted and confined within an enclosed building.

- (b) Restaurants.
- (c) Convenience stores.
- (d) Recreational vehicle parks, when established on a site of not less than five (5) acres and at a density not to exceed fifteen (15) recreational vehicle spaces per acre.
- (e) Motel and hotels.
- (f) Public service facilities (for example, rest areas, parks and utility substations.)
- (g) Truck service stations.
- (h) On and off sale liquor establishments.
- (i) Theaters.
- (j) Barber and beauty shops.
- (k) In addition to the uses listed above, other uses may be permitted subject to approval upon proper application to the City Council.

C. Neighborhood Commercial (NC). The purpose of this zone is to provide for areas of local commercial service needs primarily located at selected places at the perimeter of low density residential neighborhoods.

1. Uses Permitted. The following uses shall be permitted in the Neighborhood Commercial Zone.
  - (a) The following uses when conducted within a building: neighborhood retail stores or shops, such as food stores, drug stores, confectioneries, beauty parlors and barber shops, variety stores, bookstores, shoe shops, offices, flower shops and restaurants.
  - (b) Branch office for dry cleaning or laundry, but not dry cleaning or laundry plants.
  - (c) Lodge or community halls.
  - (d) Light-hardware stores.
  - (e) Professional offices.
  - (f) Copying and printing establishments.
  - (g) City facilities.
  - (h) New and used motor vehicle sales.

2. Conditional Uses. The following conditional uses may be permitted subject to obtaining a use permit.

- (a) Rooming and boarding houses.
- (b) Social halls, lodges, fraternal organizations, and clubs.

- (c) Churches, libraries, parks, playgrounds, public utility and public buildings.
- (d) Theaters.
- (e) Family day care facilities.
- (f) Convalescent and care facilities.
- (g) Retail fuel sales.

3. Other Uses. In addition to the uses listed above, other uses may be permitted subject to approval upon proper application to the City Council.

D. Light Industrial (LI). The purpose of this zone is to provide areas by zoning procedures and in accordance with the COMPREHENSIVE PLAN in which industrial uses may locate, substantially free from residential and/or retail commercial activities. The Light Industrial Zone is intended for light manufacturing and less abrasive industrial activities, particularly where heavy industry may not be appropriate.

1. Uses Permitted. Industrial uses are the uses of land and buildings for manufacturing, processing fabrication, assembly, freight hauling, mini storage, warehouse and storage facilities or similar operations. All industrial operations in the Light Industrial Zone shall:
  - (a) Be carried on within completely enclosed buildings and in such a manner as to provide precautions against fire and explosion hazards.
  - (b) Store all raw material, finished products, machinery, and equipment, including company-owned or operated trucks, within a sight-obscuring non-pierced fence no less than six (6) feet in height.
  - (c) Emit no obnoxious odors of any kind.
  - (d) Exhaust no waste or dust created by industrial operation into the air.
  - (e) Discharge no treated or untreated sewage or industrial waste into any waterway. Discharge and disposal of untreated and industrial waste shall comply with the standards approved by the State Department of Health.
  - (f) Carry on no operation that would produce heat or perceptible glare on public highways or neighboring property.
  - (g) Use any industrial or exterior lighting in a manner that produces no glare on public highways or neighboring property.
  - (h) Conduct no mining, extraction, filling or soil stripping operations.
  - (i) Use only oil, gas, or electricity as industrial fuel.



#### SECTION 9.0 NON-CONFORMING USES.

A. The lawful use of any building, structure, or land existing at the time of the enactment of this Ordinance, although such use does not conform to the provisions of this Ordinance, may be continued, but can not be expanded. If such non-conforming use is discontinued for a period of one year or more, any further use of the land, building or structure shall be in conformity with this Ordinance. The mere presence of a structure shall not be deemed to constitute the continuance of a non-conforming use unless such structure is actually occupied and employed in maintaining such use.

#### SECTION 10.0 STREET ACCESS.

A. No lot shall be developed without legal access to a public street. Should such street not be improved, it shall be the responsibility of the owner of the property being developed to improve the street to City standards:

1. All streets shall be built as per attachment "A".
2. Must have a recorded plat or other document dedicating public right-of-way.
3. All streets in the flood plain must comply with the requirements of the State of Idaho and Federal Flood Plans.
4. Must be constructed to form logical extension of existing streets.
5. Must comply with State and Federal regulations.

#### SECTION 11.0 SCHEDULE OF FEES, CHARGES AND EXPENSES.

A. The City Council shall establish by RESOLUTION a schedule of fees, charges and expenses, and a collection procedure for amendments, appeals, special use permits, plan approvals, and other matters pertaining to the administration and amendment of this Ordinance.

#### SECTION 12.0 PENALTIES

Failure to comply with the provisions of this Ordinance shall constitute a misdemeanor. Each day such violation exists may be considered a separate offense, subject to the penalty of a fine of \$300.00, and not more than thirty (30) days incarceration in the County Jail, or both such fine and imprisonment. In addition to the criminal penalties above, the City of Clark Fork may proceed against the violator by initiating civil legal action in a court of competent jurisdiction. In the event the City prevails, the violator shall be responsible for all costs including a reasonable sum for attorney's fees. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such legal action as may be

necessary to restrain or prevent any violation of this Ordinance or the Idaho Code.

SECTION 13.0 SEPARABILITY.

A. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 14.0 EFFECTIVE DATE AND PUBLICATION.

A. This Ordinance shall be in full force and effect following its approval, passage, and publication in one (1) issue of the Bonner County Daily Bee.

PASSED and APPROVED as an Ordinance of the City of Clark Fork, Idaho, this 16th day of August, 2000

Linda V. Reed  
Linda V. Reed, Mayor

CITY COUNCIL MEMBERS	YES	NO	ABSENT	ABSTAIN
Lynn Siple	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Kathy Johnson	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Tom Shields	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
Mary Milotz	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

ATTEST: Elizabeth Parenti  
Elizabeth Parenti, City Clerk



## EXHIBIT "A"

### Residential Street

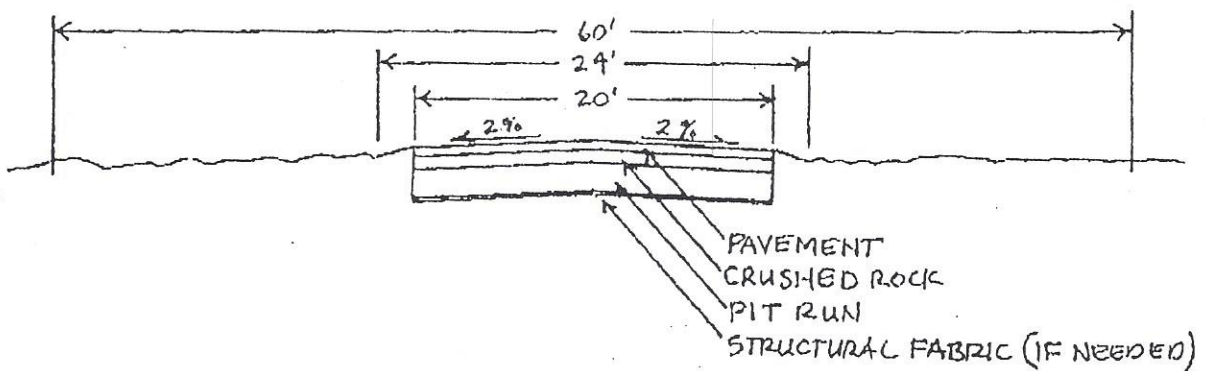
Right of Way = 60 ft.

Paved Travel way = 20 ft. (with a 2% crown)

Overall Width = 24 ft. (20 ft. travel way with 2 ft. shoulders)

Section: Place structural fabric over native sub grade (if sub grade is non-granular material), then 12" of 4 inch minus pit run, then 4" of 3/4 inch minus crushed rock, then 2.5" of asphalt cement paving.

An alternative to installing 2.5" of AC would be to install 6" of 3/4" minus crushed rock (instead of 4") and apply a double shot BST.



CORPORATE LIMITS

CORPORATE

LIMITS

CORPORATE LIMITS

N 32°06'18" E 449.72



**APPENDIX B**

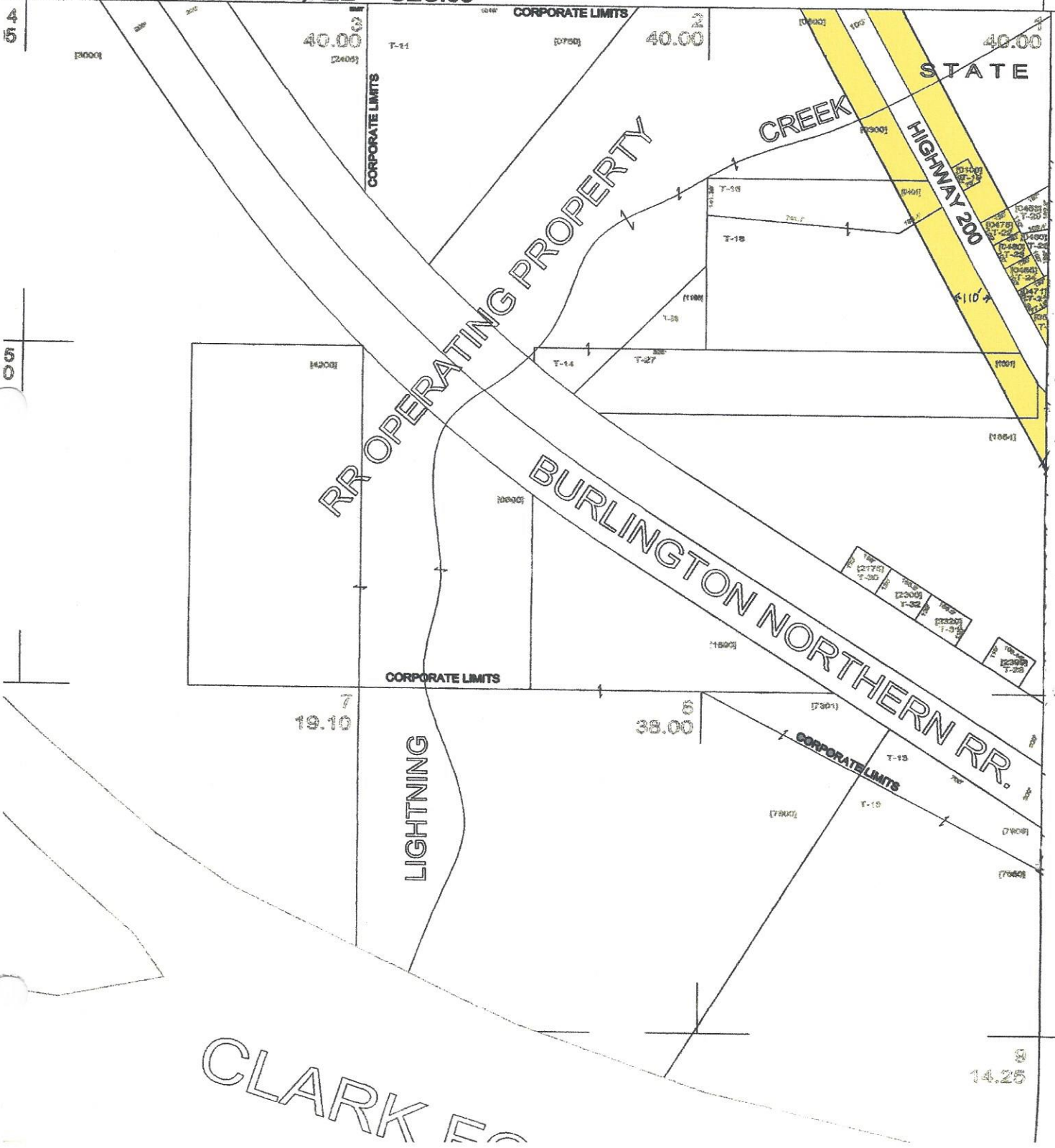
**City of Clark Fork  
Zoning Map**

**LEGEND**

Zoning Districts Color Code:  
Highway Commercial - Yellow  
Neighborhood Commercial - Blue  
Light Industrial - Brown  
Single-Family Residential - White



T55N,R2E SEC.03



CORPORATE LIMITS

CORPORATE

LIMITS

CORPORATE LIMITS

N 32°09'16" E 489.72

## APPENDIX B

### City of Clark Fork Zoning Map

#### LEGEND

Zoning Districts Color Code:  
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Neighborhood Commercial - Blue  
Light Industrial - Brown  
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SUMMARY OF CLARK FORK ZONING ORDINANCE  
ORDINANCE NO. 222

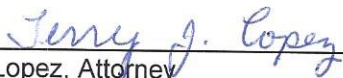
The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 222, an ordinance establishing zoning for the City of Clark Fork. The ordinance contains the following provisions: a provision for a short title, statements of authority, interpretation and scope; a section defining terms used in the ordinance; a section providing for the establishment of districts and zoning map, including maps and boundaries, zoning across lot lines, and flood plain zoning; a section establishing use districts; a section preserving designated uses in accordance with the COMPREHENSIVE PLAN, including uses permitted and conditional uses for each use district; a section on non-conforming uses; a section detailing standards for street access; a section providing for establishment of fees, charges, expenses, collection procedures, appeals, special use permits, plan approvals and other matters for administration of zoning ordinance; a section providing penalties for violation, including fines, misdemeanor criminal penalties and civil remedies; a section providing for severability; and provides that the ordinance shall be effective following its passage on the 16th day of Aug., 2000 and publication which is accomplished by this summary. The full text of the Clark Fork Zoning Ordinance is available at City Hall in Clark Fork.

Dated this 16th day of Aug., 2000.

  
Elizabeth Parenti, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork zoning Ordinance dated Aug. 16th, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

  
Terry J. Lopez, Attorney  
Dated: June 16, 2000

AFFIDAVIT OF PUBLICATION

State of Idaho

SS.

County of Bonner,

Sherilyn Jones

being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Ord. # 222

as it was published in the regular and entire issue of the

said paper for a period of 1 day consecutive weeks,

commencing on 23 day of Aug, 2000

and ending on the 23 day of Aug, 2000

and that said notice was published in said newspaper.

On this 23 day of Aug in the year  
of 2000, before me, a Notary Public, personally

appeared Sherilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.

Carolyn L. Inge  
Notary Public for Idaho

Residing at Sandpoint

My Commission expires: 8/06

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CLARK FORK ZONING  
ORDINANCE  
ORDINANCE NO. 222

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Dated this 16th day of Aug. 2000.  
/s/Elizabeth Parenti, City Clerk  
Legal SNP#2001  
August 23, 2000

2001



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Dated this 3rd day of July, 2000.  
Elizabeth Parenti, City Clerk  
STATEMENT OF  
LEGAL ADVISOR

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork zoning Ordinance dated June 16, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

/s/Terry J. Lopez, Attorney  
Dated: June 16, 2000

Legal SNP#1884  
July 7, 2000

*Bonner County  
Daily Bee  
Friday, July 7,  
2000  
Page 10*

AFFIDAVIT OF PUBLICATION

State of Idaho

SS.

County of Bonner,

Sherilyn Jones

\_\_\_\_\_ being first duly sworn on oath  
deposes and says that he/she is BOOKKEEPER  
of the Bonner County Daily Bee, a newspaper printed and  
published at Sandpoint, Bonner County, Idaho; that the  
said newspaper has been continuously and uninterruptedly  
published in said Bonner County during a period of 12  
months prior to the first publication of the hereto attached  
notice of publication in the case of:

Ord. # 222

as it was published in the regular and entire issue of the  
said paper for a period of 1 day consecutive weeks,  
commencing on 23 day of Aug, 2000  
and ending on the 23 day of Aug, 2000  
and that said notice was published in said newspaper.

On this 23 day of Aug in the year  
of 2000, before me, a Notary Public, personally  
appeared Sherilyn Jones,  
known or identified to me to be the person whose name

subscribed to the within instrument, and being by me  
first duly sworn, declared that the statements therein are  
true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

Sandpoint

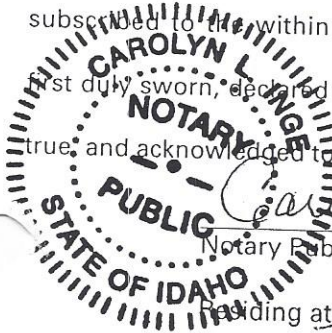
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/s/Elizabeth Parenti, City Clerk  
Legal SNP#2001  
August 23, 2000





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State of Idaho

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Sherilyn Jones

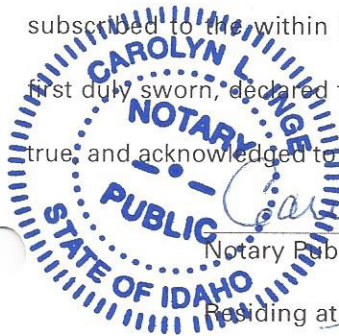
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and ending on the 23 day of Aug, 2000  
and that said notice was published in said newspaper.

On this 23 day of Aug in the year  
of 2000, before me, a Notary Public, personally  
appeared Sherilyn Jones,  
known or identified to me to be the person whose name

subscribed to the within instrument, and being by me  
first duly sworn, declared that the statements therein are  
true, and acknowledged to me that he executed the same.

 Carolyn L. Inge  
Notary Public for Idaho  
Residing at Sandpoint

My Commission expires: 8/06

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August 23, 2000

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AFFIDAVIT OF PUBLICATION

State of Idaho

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County of Bonner,

Sherilyn Plunk being first duly sworn on oath  
deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and  
published at Sandpoint, Bonner County, Idaho; that the  
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months prior to the first publication of the hereto attached  
notice of publication in the case of:

Ord. # 222

as it was published in the regular and entire issue of the  
said paper for a period of 1 day consecutive weeks,  
commencing on 7 day of July, 1900  
and ending on the 7 day of July, 1900  
and that said notice was published in said newspaper.

On this 7 day of July in the year  
of 2000, before me, a Notary Public, personally  
appeared Sherilyn Plunk  
known or identified to me to be the person whose name  
subscribed to the within instrument, and being by me first  
duly sworn, declared that the statements therein are true,  
and acknowledged to me that he executed the same

Carolyn L. Inge  
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 7/00

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Dated this 3rd day of July, 2000.  
Elizabeth Parenti, City Clerk  
STATEMENT OF  
LEGAL ADVISOR

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork zoning Ordinance dated June 16, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

/s/Terry J. Lopez, Attorney

Dated: June 16, 2000

Legal SNP#1884  
July 7, 2000

1884