

CITY OF FERNAN LAKE VILLAGE
COMMERCIAL ORDINANCE NUMBER 156

AN ORDINANCE OF FERNAN LAKE VILLAGE, KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING MINIMUM REQUIREMENTS FOR THE COMMERCIAL DISTRICT OF FERNAN LAKE VILLAGE, WHICH INCLUDES BUT IS NOT LIMITED TO: PERMITTED USES, SPECIAL USES, PROHIBITED USES, AND DEFINITIONS. THE ORDINANCE ALSO PROVIDES STANDARDS FOR BUILDING SITE DIMENSIONS, MAXIMUM HEIGHT OF STRUCTURES AND DESIGN STANDARDS FOR PARKING, SIGNS, LIGHTING AND ARCHITECTURAL DESIGN. THE ORDINANCE ALSO PROVIDES FOR SEVERABILITY, A REPEALER CLAUSE AND AN EFFECTIVE DEATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF FERNAN LAKE VILLAGE, IDAHO:

SECTION 1: TITLE

The Title of this Ordinance shall be the Amendments to the Fernan Commercial District Ordinance.

SECTION 2: AUTHORITY

The authority of the Ordinance is granted under Idaho Code Title 67 Chapter 65 Section 6511, 6512 and 6516. The Development Code Ordinance was passed by the City Council on September 5, 2006.

SECTION 3: PURPOSE

The purpose of this ordinance is to provide standards and minimum regulations for the Commercial District including permitted uses, special uses which will require a public hearing, and prohibited uses, minimum building and site dimensions, yards, height, and design standards which include parking regulations, lighting, signs and architectural design standards. These standards promote public health, safety and general welfare. In addition, it is the purpose of these standards to promote traffic safety and improve the appearance of the city.

SECTION 4: APPLICABILITY

This ordinance shall apply to all properties within the Commercial District.

SECTION 5: DEFINITIONS

- A. Commercial Condominium – A structure of two or more units, the interior space of which are individually owned; the balance of the property is owned in common by the owners of the individual units. Commercial

- condominiums required platting. See Idaho Code Title 55-Chapter 15 for platting requirements. All residential uses are prohibited.
- B. Convenience Sales – Activities that include the retail sale from the premises of frequently needed small personal conveniences items such as toiletries, tobacco and magazines include small grocery stores.
 - C. Fast Food Restaurant – A business involving the preparation and serving of meals for consumption on the premises or off the premises normally requiring short amounts of time between the period of ordering and serving of the food, which is served in edible or disposable containers.
 - D. Food and Beverage Sales for off-site consumption – Activities that include the retail sales from the premises of food and beverages for off-premises consumption; such activities are typical of groceries, markets, liquor stores, and retail bakeries. On-site consumption seating areas of up to fifteen percent (15%) of the gross floor area may be provided.
 - E. Hotels – A hotel is an establishment that provides lodging on a short-term basis. Hotels often provide a number of additional guest services such as a restaurant, a swimming pool or child care. Some hotels have conference services and encourage groups to hold conventions and meetings at their locations.
 - F. Laundries – A commercial establishment for laundering clothes or linens. For purposes of this ordinance, laundries include dry cleaning and supervised drop off laundries.
 - G. Laundromat or Self Service laundry – A self-service laundry where coin-operated washing machines are available to individual customers. Laundromat or self service laundries must provide staff to supervise laundry facilities on-site during all hours of operation.
 - H. Motels – A type of hotel in which parking is provided at or near the room and the room door enters out onto the parking lot.
 - I. Northwest Lodge Theme – A rustic look. The theme includes structures that are constructed of natural materials typical of the northwestern part of the United States. The theme envisions timbers, steeply pitched roofs and dormers. Natural colors consisting of earthen, browns, dark or forest greens.
 - J. Professional and Administrative Offices – Activities that include managerial, clerical, consultation and professional, including medical services for therapeutic, preventative or corrective personal treatment typically performed by insurance, real estate, architects, engineers, lawyers, accountants, doctors, dentists, health care practitioners and corporate headquarters and branch offices.
 - K. Restaurant – an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public, and having seating capacity for guests.
 - L. Retail Sales and Services – The sale of goods or services directly to the consumer. Types of retail sales include automotive, automotive accessory, building supply, construction supply, department store, home

furnishing and specialty retail. Retail Services include work done for others as an occupation or business. Types of retail services include salons and consulting firms.

- M. Structure Height – Structure height is defined as the vertical distance measured from the elevation of the grade at the front of the building to the highest point of the roof and to the top of building walls for gable, and hip and gambrel roofs. Grade shall be measured beginning from Coeur d’Alene Lake Drive.

SECTION 6: AMENDMENTS

Section 15.02 Structures – Commercial District C-1

- A. All C-1 uses shall use parking and landscaping standards as outlined in this Development Code.
- B. PERMITTED USES
1. Hotels and Motels
 2. Restaurants
- C. SPECIAL USE PERMITS: All of the following uses in this sub-section require a special use permit. The special use permit requires a public hearing. The process and decision making criteria for a special use permit can be found in Article 10,11 and 12 of the Fernan Development Code.
1. Lodge or community hall
 2. Retail Sales and Service
 3. Fast Food Restaurants
 4. Laundries – Drop off and dry cleaning
 5. Laundromat and Self-Service Laundries
 6. Professional and Administrative Offices
 7. Convenience Sales
 8. Food and Beverage Sales for off-site consumption
 9. Commercial Condominium - must adhere to Idaho Code Title 55 Chapter 15.
 10. All requests for height exceeding 60 feet and Section 6H of this Ordinance.
 - a. Standards for special use for height restrictions include that height shall be mitigated to:
 - i. Protect the visual privacy of the Fernan Residential District
 - ii. Limit Noise trespass on adjacent properties and the Fernan Residential District.
 - iii. Prevent light trespass on adjacent properties and the Fernan Residential District.
 - iv. Minimize shadows on adjacent properties and the Fernan Residential District.

- D. **PROHIBITED USES** – All uses not specifically listed in this Ordinance. Residential uses are prohibited in the Commercial District.
- E. **BUILDING SITE DIMENSIONS:** Commercial buildings erected with the Commercial District C-1 require the following minimum area and width requirements:
1. Lot width shall be at a minimum 100 feet wide. Width shall be measured from the street frontage of Coeur d'Alene Lake Drive.
 2. Lot size shall be at a minimum of 10,000 square feet.
- F. **YARDS:** All new, remodeled or expanded structures as of the date of this ordinance shall meet the following setbacks.
1. Front Yard – Measured from Coeur d'Alene Lake Drive. A minimum of twenty five foot setback from the front yard property line is required..
 2. Side Yard – A minimum of 10 feet from the side yard property line.
 3. Rear Yard – None
 4. If property is adjacent to or the property or falls within the jurisdiction of the Department of Lands, the Army Corps of Engineers or the Idaho Transportation Department, additional requirements may apply. All permits that fall within the jurisdictions of the aforementioned agencies shall require comment or sign off from those applicable jurisdictions.
- G. **ANIMALS** – It is unlawful for any person to keep or maintain or cause or permit to be kept or maintained, upon any premises in the Commercial district or upon any public street, highway, sidewalks, alley, park, playground, or other public place in the Commercial District, any animal (1) which by any barking, howling, whining, crowing, crying or other noise or (2) which by any odor, smell or stench, disturbs the peace and comfort of any reasonable person or interferes with the reasonable and comfortable enjoyment of life or property.
- H. **MAXIMUM HEIGHT OF STRUCTURES**
The maximum height of all structures within the Commercial District shall be limited to sixty (60') above grade. Grade shall begin at Coeur d'Alene Lake Drive. Structure height is defined as the vertical distance measured from the average elevation of the grade at the front of the building to the highest point of the roof. Any height that exceeds 60 feet in height shall require a special permit as delineated in Article 10, 11 and 12 of the Fernan Development Code.

I. DESIGN STANDARDS

Generally, the requirements for the design standards shall include the following and be required at the time of site disturbance, building or special use permit.

- An approved parking, loading and circulation plan.
- Access management – Ingress and egress shall be approved by ITD (Idaho Transportation Department)
- An approved connection to the City of Fernan Lake Village Sewer system.
- An approved site disturbance and stormwater management plan (See Site Disturbance Ordinance Number 148)
- An artist rendering of the primary and accessory structures that substantially complies with the Northwest Lodge Theme as defined in this Ordinance.
- An approved landscaping plan (Ordinance Number 146)
- An approved lighting plan that conforms to the Ordinance.
- An approved sign permit that clearly indicates compliance with this ordinance which will include an illustration of the signage requested for the site and the structures (dimensions, location).

All of these plans, renderings and illustrations shall substantially conform to the standards that are delineated below. The City shall review and either approve, deny or request modifications of the plans, renderings or illustrations.

1. Off-Street Parking, Loading and Circulation Requirements
 - a. Retail and Services – Each structure shall provide at least 1 parking space for every 250 square feet of interior floor area. ADA (American Disabilities Act) and IBC (International Building Code) requirements apply.
 - b. Hotels and Motels – Each structure shall provide at least 1 stall per unit or room plus 1 space for every 250 square feet of interior floor area of meeting space. ADA and IBC requirements apply.
 - c. All other uses – Each structure shall provide at least 1 space per every 250 square feet of interior floor area. ADA and IBC requirements apply.
 - d. All parking lots shall be paved and striped. Minimum dimensions of parking spaces are 9'x20'.
 - e. Circulation shall at a minimum meet the requirements of the Kootenai Fire and Rescue Department.
 - f. Loading shall at a minimum meet the requirements of the Kootenai Fire and Rescue Department.

2. Utilities – All utilities shall be underground unless the applicable utility companies indicate in writing that due to topography utilities cannot be placed underground..
3. Sidewalks – Sidewalks and pedestrian pathways shall connect to adjoining properties and substantially conform to the City of Coeur d’Alene standards, as amended for sidewalks and pathways. ITD approval shall be received if sidewalks and pathways will be included in the right of way.
4. Architectural Design
 - a. The architectural theme for the Commercial District is Northwest Lodge. Generally, the standards for architectural design are for the façade and sides of the structure and do not apply to the rear of the structure IF the front or side faces Coeur d’Alene Lake Drive.
 - b. Construction shall be of natural materials: wood, brick, stone and rock. Wood beams, logs or timbers may be incorporated into the design. Colors shall be natural colors such as earthen, browns and forest greens.
 - c. All roof pitch, gables and dormers shall be at a minimum of 4/12 pitch.
 - d. No flat roof on any portion of the structure(s)
 - e. Covered Porches or Portico are required. . Porches shall be of sufficient width to comfortably accommodate seating.
 - f. Awnings are prohibited.
5. Lighting Standards: All lighting shall meet IESNA (Illuminating Engineering Society of North American) lighting Standards. All site lighting shall meet the cut off standards for luminaire.
 - a. Off Street Parking
 1. Downward directed and shielded. Fixtures shall be decorative and incorporate the northwest lodge theme.
 2. Light shall not trespass beyond the property line and minimize glare.
 - b. Walkways
 1. Illumination shall minimize glare and be low voltage
 2. Fixtures shall be decorative and incorporate the Northwest lodge theme.
 3. Maximum height – 36” of fixtures
 - c. Exterior Structures
 1. Downward directed and shielded. Fixtures shall be decorative and incorporate the northwest lodge theme.
 2. Illumination shall not trespass beyond the property line and minimize glare

6. Signage
 - a. Monument Signs are allowed. Monument Signage shall be constructed with like materials associated with the northwest lodge theme. Illumination of the monument sign shall be limited to back lit with channel letters or indirect lighting. Monument sign shall be limited to four feet in height, shall not visually block driveways and entrance/exits from parking areas.
 - b. Pole Signs are prohibited except in the rear yard adjacent to the freeway. Pole signs shall meet the design standards of the Northwest Lodge theme. Pole signs shall require approval from the Idaho Transportation Department for siting, size and lighting.
 - c. Roof Signs are prohibited
 - d. Rotating, flashing, revolving, strobe or scrolling signs are prohibited.
 - e. Portable, movable or balloon, kite, or inflatable signs are prohibited.
 - e. One (1) identification sign with name of business and address shall be allowed on the face of the building. Identification sign shall be limited to a 4 x 4 sign mounted no more than 18" from the face of the building. Illumination of the identification sign shall be limited to back lit with channel letters or indirect lighting.
 - f. Entrance/exit signs from parking and loading areas shall be limited to three feet in height and may be illuminated. Illumination shall be limited to back lit with channel letters or indirect lighting.

SECTION 7: SEVERABILITY AND REPEALER

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinances or parts of ordinance which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 8: EFFECTIVE DATE

This Ordinance shall take effect and be in full force upon passage approval and publication in one (1) issue of the Coeur d'Alene Press.

ADOPTED:

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City Council
Amendments to Commercial Ordinance
Adopted June 2, 2008

FERNAN LAKE VILLAGE

MAYOR JIM ELDER _____

ATTEST: CHERI HOWELL, CLERK____DATE_____