

TITLE 9

ZONING AND SUBDIVISION REGULATIONS

CHAPTER 1

TITLE, AUTHORITY AND JURISDICTION

SECTION:

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9-1-1: TITLE:

This title shall be known as the *ZONING CODE OF THE CITY OF BUHL, IDAHO*. (1974 Code § 4-101)

9-1-2: AUTHORITY:

This zoning code is adopted pursuant to authority granted by Idaho Code title 67, chapter 65, and the Idaho constitution, article 12, section 2, as amended or subsequently codified. (1974 Code § 4-102)

9-1-3: JURISDICTION:

These regulations shall apply to the development of all land within the legally defined Buhl city limits; to property outside the city limits for which annexation has been requested; to land the city has jurisdiction over pursuant to Idaho Code title 67, chapter 65; and land included within the area of impact agreement between the city of Buhl and Twin Falls County. (1974 Code § 4-103)

9-1-4: MINIMUM REQUIREMENTS:

The provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety and general public welfare. (1974 Code § 4-104)

9-1-5: RELATIONSHIP WITH OTHER LAWS:

Where the conditions imposed by any provision of this title upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this title or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (1974 Code § 4-105)

9-1-6: EFFECT ON EXISTING AGREEMENTS:

This title is not intended to nullify any easement, covenant or any other private agreement; provided, that where the regulations of this title are more restrictive or impose higher standards or requirements than such easement, covenants or other private agreements, the requirements herein shall govern. (1974 Code § 4-106)

9-1-7: FEES FOR COPIES OF CODE:

Copies of the zoning and subdivision and development code shall be available for sale to the public at the office of the city clerk-treasurer at a cost to be determined by the city council by resolution. Such cost may be changed from time to time by resolution as the city's cost of production changes. (1974 Code § 4-108)

9-1-8: SEVERABILITY CLAUSE:

Should any section or provision of this title be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this title as a whole or a part thereof other than the part so declared to be unconstitutional or invalid. (1974 Code § 4-107)

CHAPTER 2

INTENT, PURPOSE AND DEFINITIONS

SECTION:

9-2-1: Intent; Purpose

9-2-2: Interpretation Of Terms And Words

9-2-3: Definitions

9-2-1: INTENT; PURPOSE:

The intent of this title shall be to implement a general guide for the use of the land in the city limits and land over which the city has jurisdiction under the area of impact agreement between the city and Twin Falls County. This title is based on the officially adopted comprehensive plan of the city and is enacted in order to promote the public health, safety, and general welfare and to achieve the

following objectives: (1974 Code § 4-201; amd. 2010 Code)

- A. To promote the achievement of the proposals of the Buhl comprehensive plan.
- B. To improve the character and quality of Buhl's manmade environment while maintaining its identity as a self-sufficient community.
- C. To encourage orderly growth and development, thereby avoiding scattered development of land that results in either of the following:
 - 1. The lack of water supply, sewer service, drainage, transportation facilities, or otherwise essential public services; and
 - 2. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- D. To protect residential, commercial, industrial and civic areas from the intrusion of incompatible uses and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationships to each other and to shared services.
- E. To provide for desirable and appropriately located living areas in a variety of dwelling types and at a wide range of population and densities with adequate provision for sunlight, fresh air and usable open space.
- F. To promote safe, fast and efficient movement of people and goods and the provision of adequate off street parking and loading.
- G. To encourage excellence and creativity in the design of all future developments and to preserve the natural beauty of the city setting.
- H. To provide for the manner and form of preparing and processing applications; for establishment, modification and/or variances from zoning districts and regulations.
- I. To encourage growth in those areas of the city which (due to topography, soil characteristics and other compatible features) provide the most favorable conditions for future community services such as sewer, water, transportation, school, parks, etc.
- J. To encourage the proper distribution and compatible integration of neighborhood commercial into residential areas of the city.
- K. To establish reasonable standards to which buildings or structures shall conform.
- L. To ensure that additions to and alterations or remodeling of existing buildings or structures comply with the restrictions and limitations imposed hereunder.
- M. To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and the general welfare.
- N. To ensure that buildings and land within the city are adequately maintained to prevent physical deterioration and tax base erosion.
- O. To specify the administration of the regulations of this title by defining the powers and duties of approval authorities. (1974 Code § 4-201)

9-2-2: INTERPRETATION OF TERMS AND WORDS:

For the purpose of this title certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, political subdivision or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular; the female gender includes the neuter and male, the male gender includes the female and neuter and the neuter includes the male and female.
- C. The word "shall" is a mandatory requirement, the word "may" is permissive usage and the word "should" is a preferred usage.
- D. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".
- E. The word "lot" includes the words "plot", "parcel" and "tract".
- F. A word or term which is not specifically defined by this chapter has its common ordinary meaning as indicated by the context in which it is used.
- G. Unless stated otherwise, these rules and definitions apply to all zoning and subdivision codes of the city. (1974 Code § 4-202)

9-2-3: DEFINITIONS:

Words used in this title are defined as follows; provided, however, that in the event the Idaho Code has a definition in conflict with those set forth herein, the Idaho Code definition shall prevail:

ABUTTING: Property that is adjoining or bordering another property or separated only by a private street, alley or easement.

ACCESS: The place, means or way by which pedestrians or vehicles shall have safe, adequate and usable ingress and egress to a property, use or parking space.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. An accessory use or structure does not alter the essential characteristics of the principal permitted use and does not include a building which is defined herein as a "dwelling unit".

ACREAGE: Any tract or parcel of land which has not been subdivided.

AESTHETIC: Those qualities of a development or natural feature which contribute to a pleasant environment.

AFFECTED PERSON: A person having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the proposed development.

AGGRIEVED PERSON: A person having an interest in real property who has been adversely affected by the issuance or denial of a

permit authorizing the development.

AGRICULTURAL LAND: Land consisting of five (5) acres or more used for the raising of plant crops and animals on pasture, but excluding agriculture product processing plants, stockyards, feedlots, dairies and livestock containment operations. (See Idaho Code section 50-226.)

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings.

ALLEY: A passageway providing secondary rear access with a platted width not wider than necessary to accommodate a driving surface, drainage, utilities, fencing and appurtenant facilities.

AMENITY: Attractive, pleasant or agreeable qualities associated with the design of a development or buildings and equipment.

ANIMAL, SMALL AND LARGE: An animal shall be considered small if it is a domestic pet normally kept in a house and weighs less than one hundred fifty (150) pounds at maturity. All other animals shall be classed as large animals.

APARTMENT: A room or suite or rooms in a multiple-family structure which is arranged, designed, or used as a single housekeeping unit and has complete and permanently installed kitchen and bathroom facilities.

APARTMENT HOUSE: Multi-family housing complex of rental apartments.

APPEAL: A request for a rehearing or reconsideration to a higher authority for a change of the decision on the application.

APPLICANT: Any person initiating an application or request for an action authorized under this title.

APPLICATION: Proposals which are initiated on the appropriate forms and properly filed with the planning and zoning clerk by a person for consideration by the commission and council.

APPOINTED MEMBERS: All members of the planning and zoning commission appointed by the mayor and approved by the city council and board of county commissioners for the area of impact appointees.

ARCHITECT: A person qualified by reason of knowledge of mathematics, arts, physical sciences and principals of architecture acquired by professional education and experience, to engage in the practice of architecture. See Idaho Code sections 54-301 and 67-601(s).

AREA, BUILDABLE: The space within the setback lines remaining after the minimum open space requirements of this title have been complied with.

AREA, MINIMUM LOT: The minimum area which is allowed within the property lines of the lot, excluding adjoining streets or rights of way.

AREA OF CITY IMPACT: The area surrounding the city as established by mutual agreement with Twin Falls County in conformance with Idaho Code section 67-6526.

AREA, PARKING:

Private: An open graded area, other than street or public way, designed, arranged and made available for the parking of private vehicles.

Public: An open graded area, other than a street or alley, used for the temporary parking of automobiles and available for public use or as an accommodation for clients or customers.

AREA REQUIREMENTS: The designation given to the specific requirements set forth in a zone or district by the text of this title. The area requirements refer to the numerical standards established for a lot and building coverage in a particular district.

AUTHORIZED PERSONS: Persons appointed by the mayor and approved by the city council to assist the planning and zoning clerk and planning and zoning commission.

AUTOMOBILE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES: Sale or rental of new and used motor homes, motor vehicles, travel trailers or farm implements, but not including repair work, except incidental warranty, to be displayed and sold on the premises.

AUTOMOBILE, MOTOR VEHICLE OR EQUIPMENT REPAIR: The repair, rebuilding or reconditioning of motor vehicles or equipment, including service, painting and steam cleaning of vehicles.

AUTOMOTIVE WRECKING YARD: Premises on which two (2) or more currently nonlicensed motor vehicles or two (2) or more motor vehicles not in operating condition are standing, dismantled or stored for more than thirty (30) days. Motor vehicles include also mobile homes, trailers or trucks. Vehicles stored in fully enclosed buildings are exempt from this definition. Farm equipment located on a farm is also excluded from this definition.

BASEMENT: That portion of a dwelling unit all or partly underground and having at least one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground.

BED AND BREAKFAST: See definition of Boarding House, Rooming House, Dormitory.

BICYCLEWAY: A public way designed for the use of nonmotorized vehicles.

BILLBOARD: A rigid assembled outdoor sign, display or device permanently affixed to the ground or permanently attached to a building or other permanent structure constituting or used for the display or a commercial message, unrelated to any use or activity on the property on which the sign is located. For purposes of this definition, "commercial message" shall include all direct or indirect advertisements for any transaction for profit involving merchandise, goods, commodities, articles or services.

BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets.

BOARDING HOUSE, ROOMING HOUSE, DORMITORY: A dwelling or part thereof, other than a hotel, motel or restaurant, where meals

and/or lodging are provided for compensation for three (3) or more persons not in the same family, and where no cooking or dining facilities are provided in the individual rooms. See also definition of Lodging House.

BOND, PERFORMANCE OR SURETY: A financial guarantee by a third party on behalf of a subdivider or developer 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.

BUFFER STRIP OR ZONE: An area established to protect one type of land use from possible undesirable characteristics of another, as between industrial and residential zones.

BUILDING: Any structure securely fixed to the land, and which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building, or use. (See illustration in appendix to zoning ordinance on file in the office of the clerk-treasurer.)

BUILDING CODE: The building code or codes adopted by the city.

BUILDING, EXISTING: A building erected prior to the effective date hereof or one for which a legal building permit has been issued as of the effective date of this title's initial adoption.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.

BUILDING, NONCONFORMING: Any building which does not conform to the requirements of this title. (See chapter 5 of this title.)

BUILDING PERMIT: A permit issued by the city under the official building codes adopted by the city.

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

BUILDING SETBACK LINE: An imaginary line established by this title that requires all buildings to be set back from lot lines. (See illustration in appendix to zoning ordinance on file with the city clerk-treasurer.)

BUILDING SITE: Geographic location where a vacant or occupied structure exists. "Site" usually means the land reserved for a future building.

BULK: A term used to describe the size and relationships of buildings and other structures, spaces, streets and parking and overall land area.

CARPORIT: A stationary structure to house or protect motor vehicles which has at least forty percent (40%) of the total area of its sides open to the weather.

CELLAR: That portion of a building between floor and ceiling which is wholly or partly below grade.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery, for which perpetual care and maintenance is provided.

CENTRALIZED SEWER SYSTEM: Any sewage system serving one or more residences or businesses, approved by South Central district health and department of environmental quality and designed for treatment of sewage on site or for collection and transmission of sewage to a larger treatment system.

CERTIFICATE OF OCCUPANCY: A permit, issued by the city, to occupy a premises after inspection has verified compliance with the requirements and provisions of this title and applicable building and fire codes.

CERTIFICATION OF ZONING COMPLIANCE: See definition of Zoning Permit.

CHAPTER: A chapter of the current city code.

CHILDCARE FACILITY: Any home, structure, or place where nonmedical care, protection, or supervision is regularly provided to children under fourteen (14) years of age, and not members of the operator's own family, for periods less than twenty four (24) hours per day, while the parents or guardians are not on the premises. There are three (3) types of childcare facilities:

- A. Family Childcare Home: A childcare facility which provides care for five (5) or fewer children throughout the day.
- B. Group Childcare Home: A childcare facility which provides care for six (6) to twelve (12) children throughout the day.
- C. Childcare Center: A childcare facility which provides care for more than twelve (12) children throughout the day.

In determining the type of childcare facility that is being operated, the total number of children cared for during the day and not the number of children at the facility at any one time is determinative.

CITY: The city of Buhl, which has jurisdiction over the land under consideration in this title.

CLINIC: A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention; but which building does not provide board, room or regular hospital care and services.

CLINIC, SMALL ANIMAL: Business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with no overnight boarding allowed.

CLUB OR LODGE: A building or premises owned or operated by an organized association for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

CLUSTER DEVELOPMENT:

Industrial And Commercial: Units which are concentrated in one area and served by common parking, roads and utilities.

Residential: Units which are concentrated in one area and surrounded by common open space.

CODE: The Buhl city code.

COMMERCIAL DAIRY FARM: A farm whose principal function is the production of milk and milk products and which may include the processing of milk; and produces, ships or sells milk off the premises. A dairy farm further refers to a dairy barn, processing facility or feeding area where animals are kept, raised or fed in a restricted area, and where the milking area is subject to the approval of the proper state and federal regulatory agencies.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

COMMERCIAL MEATPACKING FACILITIES: Includes meat canning, curing, smoking, salting, packing, and freezing or other similar establishments in which meat products are so processed for sale to the public and where the inspection of meat, meat byproducts and meat food products are maintained.

COMMISSION: The planning and zoning commission members appointed by the mayor with the approval of the city council, and the members appointed by the board of commissioners of Twin Falls County.

COMMON AREA: Lands or real estate intended for the common use of a group of persons having an undivided common interest therein.

COMMON WALL: A wall located upon or at the division line between adjoining premises used, intended to be used or available to be used by both owners of such premises.

COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted pursuant to Idaho Code title 67, chapter 65, by the city council, including such things as the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major transportation, parks, schools and other community facilities.

CONDITIONAL USE; SPECIAL USE: A use otherwise prohibited by the terms of this title in a given zone, but which may be allowed with conditions under specific provisions of this title when not in conflict with the comprehensive plan.

CONDOMINIUM: A system of individual fee ownership of units in a multi-unit structure which is usually combined with joint ownership of common areas of the structure and land.

CONTIGUOUS: Two (2) parcels of land which, at some point, have a common border.

CONTRACTOR YARD (AGENCY MAINTENANCE YARDS): Any parcel of land used for storage, maintenance or processing incidental to the business of building, hauling, excavation, demolition or similar activity and including any parcel of land used for the incidental repair of machinery used for any of the above listed activities.

CONVALESCENT OR NURSING HOME, REST HOME: Any home, place or institution which operates or maintains facilities providing convalescent, or chronic care, or both, for a period in excess of twenty four (24) consecutive hours for two (2) or more patients not related by blood or marriage to the operator, and said patients, who by reason of illness or infirmity, are unable to properly care for themselves.

CONVENIENCE CENTER: A commercial development offering goods at retail and personal services to a limited area.

CONVENIENCE STORE: A store offering goods, including gasoline, for sale at retail. The offering for sale of services or goods pertaining to the repair or servicing of vehicles shall not be included within this definition. (See also definition of Service Station.)

COUNCIL: The city council of Buhl, Idaho.

COUNTY: Twin Falls County, Idaho, and its governing board.

COUNTY RECORDER: The office of the Twin Falls County recorder.

COURT: An open, unoccupied space, other than a yard, bounded on two (2) or more sides by a building.

COVENANTS: A written restriction, promise or pledge, which, when recorded, attaches to affected realty and which cannot be separated from the land without the consent of all affected landowners.

CULVERT: A drain to channel water under a bridge, street, road or driveway.

CURB GRADE: The established elevation of the curb measured at the center of the front of the building. Where no curb grade has been established, the city shall establish such curb level or its equivalent for the purpose of this title.

DAIRY: See definition of Commercial Dairy Farm.

DEDICATION: Property given and accepted as a grant to the public.

DENSITY: A unit of measurement; 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 rights of way.

Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public rights of way.

DEVELOPED AREA: That portion of development which contains all structures, roads and site improvements. Common open space shall be deemed to be part of the developed area.

DEVELOPER: The owner, or the owner's legally authorized agent, of lands that are being platted or mapped.

DEVELOPMENT: Lands within the boundaries of an area that is platted or mapped in accordance with this title that are intended to be improved by the construction or addition of buildings or other structures; by mining, dredging, filling, grading, paving, excavation or drilling.

DEVELOPMENT PLAN; PRELIMINARY AND FINAL: All plats, plans and/or submissions by a developer, in whole or part, describing a development.

DISTRICT OR ZONE: Geographic location with designated boundaries within which certain regulations apply under the provisions of this title.

DIVIDE OR DIVISION: Any partition of a parcel of real property whether by deed, mortgage, deed of trust, sales agreement, will, trust, court order or decree, or otherwise.

DOMESTIC LIVESTOCK: Cattle, dairy animals, horses, mules, sheep, goats, alpacas, llamas, and other grazing animals as would be found on a normal farm livestock operation.

DRIVE-IN: An establishment (other than a service station or truck stop) which is designed to accommodate motor vehicles and patrons in such a manner as to permit occupants of such vehicles to remain in their vehicle while receiving services or making a purchase.

DRY LINE SEWER: Sewer lines which have been installed as per city specifications before connections to a municipal wastewater treatment facility become a reality.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including manufactured homes, but not including hotels, motels, boarding and lodging houses, trailers, campers, RVs or trailer houses.

DWELLING, MULTI-FAMILY: A dwelling consisting of three (3) or more attached dwelling units.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space, including however, any home in which eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons reside with supervision. See Idaho Code sections 67-6531 and 67-6532.

DWELLING, TWO-FAMILY (DUPLEX): A dwelling designed to be used by two (2) families consisting of two (2) dwelling units which may be either attached side by side or one above the other.

DWELLING UNIT: Any building or portion thereof which meets adopted building codes and is used as a residence or living quarters.

EASEMENT: A right, privilege, service or convenience, possessed by one person, either through agreement or through condemnation, to use for a specified purpose, a designated portion of a property owner's land.

ENGINEER: A person who is qualified to engage in the practice of professional engineering. See Idaho Code section 54-1202(s).

EQUESTRIANWAY: A public way designed for horseback riding.

FAMILY: One or more persons occupying a single dwelling unit, provided all members are related by blood, adoption, marriage or guardianship.

FARM: Land which is being used for the purpose of raising of plant crops and animals on pasture. See Idaho Code section 50-226.

FEEDLOTS: Any parcel of land having greater than five (5) animal units per acre in a confined area or any parcel of land containing twenty (20) acres or more having more than one hundred (100) animal units total. All livestock shall have the following animal unit equivalents:

Slaughter or feeder cow	=	1.0 animal unit
Dairy heifer	=	1.0 animal unit
Beef cow/calf pair	=	1.2 animal units
Mature dairy cow	=	1.4 animal units
Swine	=	0.5 animal unit
Sheep or lamb	=	0.2 animal unit
Horse	=	1.0 animal unit
Goat	=	0.3 animal unit
All others not listed	=	1.0 animal unit per 750 pounds

FENCE: An enclosure to prevent straying from within or intrusion into.

FENCE, OPEN: A fence that does not restrict or impede vision or sight through the fence by more than twenty percent (20%).

FLOODPLAIN: The relatively flat area or lowland adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of 100-year frequency. The floodplain includes the channel, floodway and floodway fringe, as established by the engineering practices as specified by the army corps of engineers.

FRONTAGE ROAD: A road which has unlimited access to collector and access streets but has limited access to arterial streets.

GARAGE, ATTACHED: A garage having all or part of one wall common to the dwelling or to a covered porch attached to the dwelling.

GARAGE, DETACHED: A garage which is completely surrounded by open space.

GARAGE, PRIVATE: An enclosed accessory building or an accessory portion of the main building designed and used for indoor parking or storage of vehicles or boats owned and operated by the occupant of the main dwelling. An unattached garage is considered to be an accessory building.

GARAGE, PUBLIC: A building or portion thereof (except a private garage) used or designed to be used for the storage of motor vehicles.

GARAGE, REPAIR: A building used for the storage, parking, care or repair of motor vehicles, or where such vehicles are kept for remuneration, hire or sale. See also definition of Service Station.

GLARE: To shine with a harsh, uncomfortably bright light.

GOVERNING BOARD: The city council of the city of Buhl, Idaho, for areas within the corporate boundaries of the city of Buhl and the board of county commissioners for areas within the city of Buhl area of impact.

GOVERNMENTAL FACILITIES: Facilities operated or occupied by a governmental agency.

GRADE: The ground elevation at a building site.

GRADE, ESTABLISHED: The curb line grade at lot lines as approved by the city highway district engineer or appropriate agency.

GRANDFATHER RIGHTS: See definition of Nonconforming Use.

GUESTHOUSE: A structure for human habitation containing one or more rooms with bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

HABITAT: Character of natural environment.

HEALTH AUTHORITY: The local district health department or state department of health and welfare that has jurisdictional authority.

HIGHWAY: A street designated as a highway by an appropriate state or federal agency.

HISTORICAL SITES: Sites established by city, county, state or federal government as historical monuments that should be preserved.

HOME OCCUPATIONS, URBAN AND RURAL: Any gainful operation, profession or craft, which is customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part.

HOME, RETIREMENT: A residence for several families or individuals in apartment like quarters, which feature one or more of the following services to retired and/or handicapped persons such as limited nursing facilities, minimum maintenance, living accommodations, rehabilitation and recreation programs and facilities.

HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients for twenty four (24) hours or more. The term hospital does not include convalescent, nursing or boarding homes and does not include institutions devoted to the care of the mentally ill or drug or alcohol addicted.

HOTEL/MOTEL: Any building or group of buildings, connected or detached, used for transient residential purposes containing six (6) or more guestrooms without housekeeping facilities which are intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests. See definition of Motel.

HOUSEHOLD PET: Animals, fish or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries and similar pets.

IMPACT AREA: That area duly negotiated and adopted pursuant to Idaho Code section 67-6526 by the city of Buhl and Twin Falls County, state of Idaho, by means of a separate ordinance.

IMPROVEMENT: Any alternation to the land or other physical construction associated with building site developments.

INDUSTRIAL: The manufacture, processing and testing of goods, materials, including the production of power.

INGRESS AND EGRESS: Entrance and exit.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

JUNKYARD: An outdoor space where waste and discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including house wrecking yards, used lumber yards and places where such uses are conducted entirely within a completely enclosed building, such as pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment or for used cars in operable condition, or salvaged materials incidental to manufacturing operations.

KENNEL: Any lot or premises or portion on which four (4) or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale including privately or publicly owned, operated or managed dog pounds.

LABORATORY: A place devoted to experimental study such as testing and analyzing.

LAND USE: A term used to indicate the utilization of any piece of land whether it be lot, plat, tract or acreage. Land use is an indication of the existing development within a community and becomes the basis to formulate district boundaries.

LAND USE MAP: The map showing generalized land use.

LAND USE PLAN: The Buhl comprehensive plan.

LIVESTOCK CONFINEMENT OPERATION (LCO): Any lot, corral or facility where more than ten (10) livestock are confined, stabled and fed, or maintained for a total of forty five (45) days or more in any twelve (12) month period; and on which crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pick ups and deliveries, scaled to delivery vehicles expected when required off street parking spaces are filled. Required off street loading space is not to be included as off street parking space in computation of required off street parking space. All off street loading spaces shall be located totally outside of any street or alley right of way.

LODGING HOUSE: See definition of Boarding House, Rooming House, Dormitory.

LOT: A parcel of land which is of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such

yards and other open spaces as are required in this title. A lot shall have frontage on an approved street and may consist of: a) a single lot; b) a portion of a lot; and c) a combination of complete lots, or of portions of lots.

LOT AREA: The area of any lot shall be determined exclusive of street, highway, alley, road or other rights of way.

LOT CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts at the point of intersection of the street lines is the "corner".

LOT COVERAGE: The area of a zoning lot which is occupied by the principal building, buildings or accessory buildings and the horizontally projected area of the lot. The ratio is expressed as a percentage.

LOT, DEPTH: The mean horizontal distance between the front and the rear lot lines. Where the lot is irregular and the lot lines converge, the rear lot line shall be deemed to be a line at a point where the side lot lines are not less than ten feet (10') apart.

LOT DIVISION: See definition of Lot Split.

LOT, DOUBLE FRONTAGE: A lot with frontage on two (2) streets.

LOT, FLAG: A lot in the shape of a flag on a pole or similar design. A flag lot shall have frontage on a public street of sufficient width for ingress and egress of fire equipment, the exact frontage width to be determined by the Buhl city fire chief.

LOT FRONTAGE: The distance across the lot along the street right of way line.

LOT, INTERIOR: A lot with only one frontage on a street.

LOT LINE ADJUSTMENT: The act of moving or reestablishing the common boundary line between two (2) adjacent lots or parcels of land in such a manner that the legal description of each lot or parcel of land is changed.

LOT LINE, FRONT: The line separating the lot from the principal street on which it fronts.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line or conforming to lot depth.

LOT LINE, SIDE: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is also called a side street or flanking street lot line. A side lot line separating a lot from another lot or lots is also called an interior side lot line.

LOT LINES: Property lines bounding the lot.

LOT MEASUREMENT:

A. Depth: Depth of a lot shall be considered to be 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 lines in the rear.

B. Width: Width of lot shall be considered to be the distance between straight lines at each side of the lot, measured across the rear of the required front yard, provided the 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 outer radius of cul-de-sacs, where the eighty percent (80%) requirements shall not apply.

LOT, MINIMUM AREA OF: The area of a lot computed exclusive of any portion of the right of way of any public or private street.

LOT OF RECORD: A lot shown as a part of a recorded subdivision, or any parcel of land described by metes and bounds in a recorded deed, record of survey or other appropriate document recorded in the office of the county recorder.

LOT SPLIT: Dividing a tract of land into two (2) lots, parcels or sites for the purpose of sale or building development. (See resolution 199.)

LOT, THROUGH: A lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets. On a through lot, both lines facing a street shall be deemed front lot lines.

MANUFACTURED BUILDINGS: A fabricated, transportable building (other than a mobile home) designed to be incorporated at a building site into a structure to be used for residential, commercial, industrial or agricultural purposes and which has attached to the building a valid insignia which states that the manufactured building is built in accordance with the international building code and applicable laws, rules and regulations. Buildings to be used for residential purposes shall also include in the insignia that such building is in compliance with HUD minimum property standards for such construction.

MANUFACTURED HOME: A structure built since June 15, 1976, that bears the seal of HUD indicating it has met the mobile home construction and safety standards of the United States department of housing and urban development (HUD standards) and is used as a permanent dwelling. Manufactured homes shall comply with the development standards found in section 9-11-3 of this title.

MANUFACTURED HOME SUBDIVISION: A subdivision designed and intended for exclusive manufactured home residential use.

MANUFACTURED/MOBILE HOME PARK: Any site or tract of land under single ownership upon which two (2) or more mobile homes or travel trailers are parked or placed either free of charge or for revenue purposes.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character, requiring large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generating some nuisances such as smoke, noise, vibration, dust, glare, air pollution or water pollution.

MANUFACTURING, LIGHT: Industrial uses which are usually controlled operations, relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; which operates and stores within enclosed structures, and which generates little industrial traffic and no nuisances.

MARQUEE: A permanent roofed structure attached to and supported by the building and projecting over public property.

MEATPACKING (COMMERCIAL): A facility which includes the canning, curing, smoking, salting, packing and freezing of meat products, or a facility in which meat products are processed for sale to the retail trade and where the inspection of meat, meat byproducts and meat food products are maintained. See definition of Slaughterhouse And Meatpacking (Commercial).

MOBILE HOME: A structure of over four hundred (400) square feet in interior area that is transportable in one or more sections, 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, which has attached to the structure a valid insignia which states that the mobile home is in compliance with federal mobile home construction and safety standards (HUD); not to include recreational vehicles or travel trailers.

MOBILE OFFICE: A detached mobile unit not intended for occupancy as a dwelling designed to be transported on its own wheels or on a flatbed trailer.

MODULAR HOME: Any building or building component, other than a manufactured home, which is constructed according to standards contained in the international building code and Idaho division of building safety standards, as adopted or any amendments thereto, which is closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

MONUMENT: Any permanent marker (either concrete, galvanized iron pipe or iron or steel rods) used to identify any tract, parcel, lot or street lines, as specified in Idaho Code section 50-1303.

MOTEL: A building, or group of buildings on the same premises (whether detached or in connected rows), containing sleeping or dwelling units independently accessible from the outside, or central hallway, with garage space or parking space located on the premises, and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as auto courts, motor lodges, tourist courts or by any other title or sign intended to identify them as providing lodging to motorists. See also definition of Hotel/Motel.

MOTOR HOME: See definition of Recreational Vehicle.

MOTOR VEHICLE REPAIR: Incidental repairs, replacement of parts and motor service.

MUNICIPAL WASTEWATER COLLECTION AND TREATMENT SYSTEM: City facilities for the central collection and treatment of domestic wastewater.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment hereof, and which does not conform to the regulations of the district in which it is situated.

NURSERY OR GREENHOUSE FOR FLOWERS AND PLANTS: Land, building structure or combination thereof for the storage, cultivation and transplanting of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping.

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. Streets, parking areas, structures for habitation, buildings, covered structures and the like shall not be included.

OPEN SPACE (COMMON): Any private open space intended for use by occupants of a development. The space may include, but is not limited to, recreation areas, landscaped plazas, fountains, sitting areas, natural areas and is meant to provide an open atmosphere. Common private open space does not include parking areas, vacant or undeveloped lots, or any other space which does not contribute to the aesthetic quality of the development.

OPEN SPACE (PUBLIC): Land in public ownership or control which includes, but is not limited to, parks, recreation areas, water bodies, historical sites, public utility easements, scenic routes, floodplains, slide areas, areas too steep for safe construction, wildlife refuges, natural areas, forests, fisheries and watersheds.

ORIGINAL PARCEL OF LAND: A lot or tract as recorded on any plat or survey of record on file in the office of the county recorder or any unplatted contiguous parcel of land held in one ownership and of record at the effective date of October 1, 1981, for land within the city limits of Buhl, Idaho, and as of November 15, 1981, for real property located within the city area of impact. See resolution 199.

OWNER: The proprietor of the land, having legal title. Idaho Code section 50-1301(3).

OWNERSHIP: The individual, firm, association, syndicate, partnership or corporation holding title to property.

PARCEL SPLIT: The division of a parcel of land described by metes and bounds, and not included in a subdivision, into two (2) building sites. See also definition of Lot Split.

PARKING AREA OR LOT (PRIVATE): An open, hard surfaced area (other than a street or public way) designed, arranged and made available for private passenger automobiles of occupants of the building or buildings for which the parking area is developed.

PARKING AREA OR LOT (PUBLIC): An open, hard surfaced area (other than a street or public way) to be used for the storage (for limited periods of time) of operable passenger automobiles or commercial vehicles and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE, OFF STREET: An off street parking space shall consist of an area adequate for parking an automobile with dimensions conforming to the requirements of this title.

PASTURE: An enclosure for animals in which no feed is provided except that obtained by grazing during the growing season. Feed may be brought into a pasture during the nongrowing season.

PEDESTRIANWAY: A public way designed to be used as a walkway for pedestrians.

PERFORMANCE OR DESIGN STANDARDS: Standards which are often applied to industrial, residential and commercial districts and place limits on such things as noise, dust, glare, smoke, vibration, radioactivity and odors; any proposed use which cannot meet these standards is not to be allowed, and once a use has been permitted, it must maintain its ability to meet the standards or else have its certificate of occupancy revoked.

PERFORMANCE OR SURETY BOND: See definition of Bond, Performance Or Surety.

PERMANENT: Six (6) months or more.

PERMIT: A document authorizing the use of land and structures, and the characteristics of the uses.

PERMITTED USE: The utilization of land which shall be permitted to take place in any district as set forth by this title.

PERSON: Any individual or any corporation, joint venture, limited partnership, partnership, firm, association, trustee or other similar entity or organization.

PERSONAL SERVICES: Any enterprise conducted for gain primarily offering services such as shoe repair, watch repair, barbershops, beauty parlors.

PLANNED UNIT DEVELOPMENT (PUD): A tract of land on which a variety of residential, commercial and manufacturing uses may coexist in a preplanned environment with more flexible standards than normally apply to the use of land in a standard zoning district. See chapter 24, article F of this title.

PLANNING AND ZONING CLERK: A person appointed by the council for the purpose of carrying out the provisions of this title.

PLAT: The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, into two (2) or more lots, including certifications, descriptions and approvals. See Idaho Code section 50-1302(4).

PREMISES: A parcel of land or contiguous parcels of land with their appurtenances and buildings which are under one ownership or control.

PRIVATE: Belonging to an individual or group and not for the public or open to the public.

PRIVATE ROAD: A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system. See Idaho Code section 50-1301(5).

PROFESSIONAL OFFICES: Structures where those engaged in a profession conduct their business and activity.

PROFESSIONAL SERVICES: Services offered by persons engaged in legal, engineering, architectural, design, planning, accounting, banking, auditing, educational and related professions.

PUBLIC: Owned by federal, state or local government or subdivisions thereof.

PUBLIC RIGHT OF WAY: A right of way open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right of way for vehicular traffic. See Idaho Code section 50-1301(8).

PUBLIC SERVICE FACILITY: Buildings, power plants or substations, water storage tanks, public garages, water treatment plants, sewage disposal or pumping plants and other similar public service structures owned and/or operated by a public utility, railroad or municipal or other governmental agency.

PUBLIC STREET: A street, road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency. See Idaho Code section 50-1301(9).

PUBLIC USES: Public parks, schools, administrative and cultural buildings, and structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities; also, public owned buildings, fire and police stations, libraries, post offices and public utility administration buildings.

PUBLIC UTILITY: Any person, entity or municipal department that is duly authorized to furnish to the public, under regulation, such as, but not limited to, electricity, gas, steam, telephone, transportation or water.

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

REAL PROPERTY: Real estate consisting of: a) lands, possessory rights to land, ditch and water rights, and mining claims, both lode and placer; b) that which is affixed to land; and c) that which is appurtenant to land.

RECREATIONAL VEHICLE: A vehicular unit primarily designated as temporary living quarters for recreation, camping, or travel which either has its own power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, fifth wheeler and motor home.

RECREATIONAL VEHICLE PARK: A plot of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

REPAIR: The reconstruction, renewal or maintenance of real or personal property.

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

RESERVE STRIP: A strip of land between a partial street and adjacent property which is reserved or held in public ownership for future street extension or widening.

RESTAURANT: Any land, building or part thereof (other than a boarding house) where meals are provided for compensation.

RIGHT OF WAY: A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks and other public utilities or service areas. In addition to the roadway, it incorporates the curbs, special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

ROADSIDE STAND: A temporary or mobile structure designed or used for the display or sale of products or services.

ROOMING HOUSE: See definition of Boarding House, Rooming House, Dormitory.

SALVAGE YARD: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged

house wrecking and structural steel materials and equipment. This does not include places where such uses are conducted entirely within a completely enclosed building, and does not include pawnshops or establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

SANATORIUM: Any place where resident patients are kept and which specializes in clinical, temporary and emergency services of a medical or surgical nature as distinguished from treatment of mental and nervous disorders.

SCHOOL (KINDERGARTEN, ELEMENTARY, INTERMEDIATE, MIDDLE, JUNIOR OR HIGH): An institution of learning (either public or privately supported) which offers instruction in the several branches of learning and study required to be taught in the public schools by the state of Idaho. High school includes junior and senior high.

SCHOOL, COMMERCIAL: A building where instruction is given in arts, crafts or trades and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

SCREENING: See definition of Buffer Strip Or Zone.

SECONDARY USE (INCIDENTAL OR ACCESSORY): A minor or second use for which a lot, structure or building is designated or employed in conjunction with but subordinate to its primary use.

SEMPRIVATE FACILITY: Any facility to which a group of the public is permitted to attend or use subject to regulations of a club or organization owning such facility.

SERVICE BUILDING: Any permanent building designed to provide service facilities to inhabitants or users of any development.

SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail and where minor motor repair and services may be rendered. Uses permissible at a service station do not include major body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes or smoke. See definition of Garage, Repair.

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

SHELTER HOME: Building or facility however named, operated on either a profit or nonprofit basis for the purpose of providing a home with necessary supervision for three (3) or more persons not related to the owner and who are unable to care for themselves.

SHOPPING CENTER: A group of commercial establishments, planned, developed, owned and/or managed as a unit.

SIDEWALK: That portion of the road right of way outside the roadway which is improved for the use of pedestrian traffic.

SIGN: Any device designed to inform or attract the attention of persons on which the sign is located.

Sign, Illuminated: Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

Sign, Lighting Device: Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.

Sign, Off Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

Sign, On Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

Sign, Projecting: Any sign which projects from the exterior of a building.

SITE PLANNING: The location of buildings and activities within a physical environment. A site plan includes shapes and location of buildings and structures, circulation and parking layouts, landscaping features and numerous other design factors that relate to the improvement of a parcel of land.

SLAUGHTERHOUSE AND MEATPACKING (COMMERCIAL): A facility which includes the slaughtering, meat canning, curing, smoking, salting, packing, rendering or freezing of meat products, or a facility in which meat products are so processed for sale to the public and where the inspection of meat, meat byproducts and meat food products are maintained.

SPECIAL USE: See definition of Conditional Use; Special Use.

STABLE, PRIVATE: A detached accessory structure for the keeping of one or more horses, mules, llamas, alpacas or cows owned and used by occupants of the premises and not for remuneration, hire or sale.

STABLE, RIDING: A structure used or designed for the boarding or care of riding horses.

STANDARD SPECIFICATIONS: The specifications as specified by the city.

STATE: The state of Idaho.

STOCKYARD OR FEEDLOT (COMMERCIAL): See definition of Livestock Confinement Operation (LCO).

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level (directly above a basement, cellar or unused underfloor space) is more than six feet (6') above "grade" as defined in this section for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above "grade" as defined in this section at any point, such basement, cellar or unused underfloor space shall be considered a story.

STREET: A right of way which provides vehicular and pedestrian access to adjacent properties. The term street also includes the terms highway, thoroughfare, parkway, road, route, avenue, boulevard, lane, place, loop, circle, drive and other such terms.

STREET, HALF: A portion of the width of a street, usually along the edge of a subdivision or development, where the remaining portion of the street could be provided in another subdivision or development.

STREET LINE: A line separating an abutting lot or parcel from a street.

STREET, PROPOSED: The undedicated portion of a street alignment, or proposed widening of an existing street as proposed on the city master street plan, Twin Falls County master thoroughfares plan, or any state or federal highway, the alignment of which is officially approved.

STREETS:

Collector: Those which provide both land access, service and traffic circulation within residential neighborhoods, commercial and industrial areas. Collectors also collect traffic from local streets in residential neighborhoods and channel it into the arterial system.

Local: Those which comprise all facilities not on the other of the higher systems.

Minor Arterials: Those which interconnect with and augment the principal arterial system and provide service of moderate length at a somewhat lower level of travel.

Principal Arterials: Should carry the major portion of trips entering and leaving the area as well as the majority of the through trips desiring to bypass the central city.

STRIP DEVELOPMENT: Usually found along a major roadway which is developed simply as a pattern following the outline of the road and without foundation in the comprehensive study or in fact.

STRIP ZONING: Zoning usually found along a major roadway.

STRUCTURAL ALTERATION: Any change in the structural members of a building such as walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected in which the use requires permanent location on the ground or attachment to something having a permanent location on the ground. Among other things, structures include buildings, mobile homes, walls and billboards. Fences shall be deemed a structure. Public utility power poles shall not be deemed a structure.

SUBDIVIDER: The person who executes an application or initiates proceedings for the subdivision of land in accordance with the provisions of this title, and his acts or representations shall be binding upon the owners.

SUBDIVISION: Any land which is divided or proposed to be divided into two (2) or more lots, whether contiguous or not, for the purpose of sale, lease, transfer or development as part of a common plan and where subdivided land is offered for sale, lease, transfer or development by a single subdivider, or a group of subdividers acting in concert, and such land is contiguous or is known, designated or advertised as a common unit or by a common name. Such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale, lease, transfer or development as part of a common plan. However, this shall not apply to any of the following:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements and does not change the original number of lots in any block of the recorded plat.
- B. The unwilling sale of land as a result of "legal condemnation" as defined and allowed in the Idaho Code.
- C. Widening of existing streets to conform to the comprehensive plan.
- D. The acquisition of a street right of way by a public agency in conformance with the comprehensive plan.
- E. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.
- F. A sale or exchange of lands used exclusively and solely for agricultural purposes.

SUPPLY YARD: A commercial establishment storing and offering for sale building supplies, steel supplies and similar goods.

SURVEYOR: A person qualified by reason of his knowledge of the principles of surveying acquired by education and experience, and who is authorized by the laws of the state of Idaho to practice land surveying. See Idaho Code section 54-1202(e).

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

TITLE: The meaning of the word "title" will depend upon the context of the sentence or paragraph it is used in:

- A. A title or chapter in the city code.
- B. The legal right of an ownership interest in a property.

TOWNHOUSE OR ROW HOUSE: A row of two (2) or more attached single-family dwellings, each being built with similar architectural treatment and separated by vertical divisions or lot line walls and each with private entrances.

TRANSITIONAL USE: Use of land designed to serve as a buffer between conflicting land uses such as residential and commercial uses or between residential and heavily traveled traffic arterials.

TRAVEL TRAILER: See definition of Recreational Vehicle.

TRIP GENERATION: An element of a traffic volume survey which indicates the number of automobile, bus, pedestrian or bicycle trips produced or generated in a specific area or by a specific use. As an example, an office building generates "x" number of trips to work by its employees and "x" number of trips home from work.

TRUCK STOP: A service station or commercial enterprise using the premises primarily to sell and supply motor fuel, lubricating oils and greases to on premises trade including large trucks as well as automobiles and including the sale of tires, batteries, automotive accessories, related services, major and minor motor vehicle repairs, as well as special services to operators and drivers of trucks operating on an interstate basis.

UNDEVELOPED AREA: That portion of a development which is left unimproved or a parcel of land which is unimproved.

UNPLATTED AREA: Any area that has not been subdivided according to the provisions of Idaho Code section 50-1300 et seq.

URBAN SERVICES: According to this title, urban services shall include, but not be limited to, the following, where applicable: municipal central sewer and water facilities, pedestrian walkways and bicycle paths, open space, parks, recreation lands, police and fire protection, public transit, schools, libraries, storm drainage, and urban standard streets and roads.

URBAN SPRAWL: Scattered development which is not contiguous to the urbanized part of a municipality.

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

UTILITY: Any public or private corporation or company which supplies the public or a group of individuals with the following commodity, service or both: telephone, gas, electricity, water, or sewage disposal.

VARIANCE: A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setback, parking space, height of buildings or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots and public ways. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site, and the variance is not in conflict with the public interest.

VESTED RIGHTS: Rights which have so completely and definitely accrued to or settled in a person that they are not subject to being defeated or canceled by the act of any other private person, and which it is right and equitable that the government should recognize and protect, as being lawful in themselves, and settled according to the then current rules of law, and of which the individual could not be deprived arbitrarily without injustice, or of which he could not justly be deprived otherwise than by the established methods of procedure and for the public welfare. Vested rights cannot be interfered with by retrospective laws, they are interests which it is proper for the state to recognize and protect and of which an individual cannot be deprived of arbitrarily. The enjoyment of a vested right may be in the present or may be postponed until the happening of some future event which is certain to occur.

VETERINARY, ANIMAL HOSPITAL OR CLINIC: A place used 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 or recuperation. It may also include boarding 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, landmarks or community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way for pedestrian use only, whether or not along the side of the road.

WET SEWER LINE: Sewer lines connected to a municipal wastewater treatment facility.

WRECKING YARD: See definition of Automotive Wrecking Yard.

YARD: A required open space, other than a court, unoccupied and unobstructed by a structure or portion of a structure from three feet (3') above the general ground level of the graded lot upward; provided, that accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. (For illustration, see appendix of the zoning ordinance on file in the office of the city clerk-treasurer.)

Front Yard: A yard extending between side lot lines across the front of a lot and from the front lot lines to the front of the principal building.

Interior Side Yard: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Rear Yard: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Street Side Yard: A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

ZERO LOT LINE: A building design which allows for a dwelling to be built right on the side lot line and which may include an easement to a neighboring lot for the purpose of upkeep and maintenance.

ZONING MAP: The graphic depiction of the zones or districts within the city limits of the city and the area of city impact.

ZONING PERMIT: A document issued by the city authorizing the uses of land and structures.

ZONING POLICY: The policy as adopted by the city. (1974 Code § 4-203; amd. Ord. 929, 5-14-2007; 2010 Code; Ord. 970, 4-22-2013)

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION:

9-3-1: Planning And Zoning Clerk

9-3-2: Planning And Zoning Commission

9-3-3: Building Inspector

9-3-4: Violation; Penalty

9-3-1: PLANNING AND ZONING CLERK:

- A. Position Created: There is hereby created the position of planning and zoning clerk.
- B. Appointment: The planning and zoning clerk shall be appointed by the mayor and the appointment approved by the city council. (1974 Code § 4-301)
- C. Duties: The planning and zoning clerk shall administer the provisions of this title and provide assistance and guidance to the planning and zoning commission (hereinafter referred to as "commission") and the council, and, in addition, shall have the following duties: (1974 Code § 4-301; amd. 2010 Code)

1. Advise interested persons of the provisions of this title;
2. Notify the news media regarding matters of public interest;
3. Aid and assist applicants in the preparation and expedition of required applications;
4. Issue, or supervise the issuance of permits, notifications and such similar administrative duties;
5. Investigate all alleged violations of this title and, after completing such investigation, notify the complaining party, if any, and the person responsible for any violation that such violation exists, in writing, of the decision reached, including action necessary to correct such violation. In performing the investigation and drafting the written notification, the planning and zoning clerk shall be in contact with the city attorney who will participate as the planning and zoning clerk and city attorney see fit.
6. In the event a proposed use is not specifically set forth in this title, the planning and zoning clerk shall require the applicant for said use to furnish the planning and zoning clerk with a detailed written description of the proposed use, and shall orally review said written description with the applicant and gather such other information as the planning and zoning clerk deems necessary to classify such use. Based upon such information, the planning and zoning clerk shall determine, in writing, whether or not the proposed use is, or should be, included within the definition of one or more of the specific uses set forth in this title. Once the planning and zoning clerk has classified the proposed use, the use will be permitted, subject to all rights and restrictions set forth in this title for the use for which the proposed use is classified. The planning and zoning clerk may elect to defer the classification of the proposed use to the commission and then enter a written opinion as directed by the commission. The classification by the planning and zoning clerk, or by the commission, if referred to the commission by the planning and zoning clerk, shall be final, unless the decision is appealed as allowed by this title. (1974 Code § 4-301)

9-3-2: PLANNING AND ZONING COMMISSION:

- A. Created:
1. Membership; Qualifications: The commission shall consist of seven (7) members. All members must have been residents of Twin Falls County for at least two (2) years, and must reside within Twin Falls County while serving on the commission. Five (5) members must reside within the corporate limits of the city and two (2) members must reside within the "area of impact" surrounding the city and as established pursuant to state law.
 2. Appointment: The five (5) members that reside within the corporate limits of the city shall be appointed by the city mayor and confirmed by the city council. The two (2) members residing within the area of impact surrounding the city shall be residents within the area of impact and appointed by the board of commissioners for Twin Falls County, which appointment shall be subject to the approval of the City Council.
 3. Youth Member; Term: In addition to the members provided for above, the City Mayor, with the approval of the City Council, may appoint one ex officio youth member under twenty one (21) years of age, who lives within the City or its impact area. The youth member shall participate in all discussions, but will not have a vote. The youth member's term shall be one year, from October 1 to September 30 of the following year and may be reappointed up to four (4) successive terms. In computing the number of terms one can serve, the completion of less than one-half ($\frac{1}{2}$) of the term of a previous youth member shall not be counted as a term.
 4. Guidance For Creation: The guidance for creating the Planning and Zoning Commission is directed by Idaho Code section 67-6504.
 5. Vacancies: Filling vacancies is done by selections reflecting an experienced majority of the commission by maintaining flexibility by varying years of appointment. (1974 Code § 4-302)
 6. Term: The term of office for members shall be six (6) years from the time of their appointment. No members shall serve more than two (2) consecutive terms. (Ord. 990, 10-11-2018)
 7. Removal From Commission: Members may be removed for cause by a majority vote of the Governing Body. Members are expected to attend meetings of the commission. Missing two (2) consecutive meetings may be grounds for removal by the Governing Board.
 8. Political Affiliation; Compensation: Members shall be selected without respect to political affiliations, and shall serve without compensation. Members may receive such mileage or per diem compensation as provided by the Governing Board.
- B. Organization, Rules, Records And Meetings:
1. Officers: The commission shall annually elect its own Chairman who shall serve a term of one year. The commission shall create and fill such offices as it may determine necessary for the proper conduct of its affairs and business. The Planning and Zoning Clerk, if a member of the commission, may not serve as Chairman thereof.
 2. Meetings; Quorum; Voting: Meetings of the commission shall be held when duly called by the Chairman by written or oral notice. At least one regular meeting shall be held each month for not less than nine (9) months in a year. A majority of currently appointed voting members of the commission shall constitute a quorum. All members of the commission shall have a single vote on all matters presented to the commission. All meetings shall be open to the public.
 3. Rules; Written Records: Written rules consistent with this title and laws of the State of Idaho for the transaction of business of the commission shall be adopted. Written records of meetings, hearings, resolutions, findings, studies, permits, and actions shall be

maintained and open to the public.

4. Receipt And Expenditure Of Funds; Employees; Technical Advisors: With approval of the Council, the commission may receive and expend funds, goods and services from the Federal government or agencies and instrumentalities of State or local governments or from civic and private sources, and may contract with these entities and sources and provide information and reports as necessary to secure aid. Expenditures by the commission shall be within the amounts appropriated by the Council. Within such limits, the commission is authorized to hire employees and technical advisors, including, but not limited to, planners, engineers, architects and legal assistants.

C. Commission Duties: It shall be the duty of the commission to:

1. Conduct a planning process designed to prepare, implement, review and update a comprehensive plan that includes all land within the Governing Board's jurisdiction.
2. Provide ways and means to obtain citizen participation in the planning process.
3. Review and hold public hearings prior to submitting findings and recommendations to City Council regarding applications for:
 - a. City comprehensive plan.
 - b. Zoning ordinances, text and maps.
 - c. Subdivisions and planned unit development proposals.
 - d. Preliminary and final plats.
 - e. Plan and ordinance changes upon annexation of unincorporated area.
4. Grant conditional use (special use) permits under the conditions as herein specified with such additional safeguards as will uphold the intent of this title.
5. Authorize such variances as are allowed under chapter 19 of this title.

D. Maps; Plats; Replats: Any and all maps, plats and replats of lands which require approval of the Governing Board shall first be submitted to the commission for its suggestions and recommendations.

E. Conflict Of Interest: Any member or employee of the Council or commission shall not participate in any proceeding or action when the member, employee, his employer, business partner, business associate or any person related to him by affinity or next of kin within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. For purposes of this section the term "participation" means engaging in activities which constitute deliberation pursuant to the Open Meeting Act. No member of the Governing Board or the Planning and Zoning Commission with a conflict of interest shall participate in any aspect of the decision making process concerning a matter involving the conflict of interest. A member with a conflict of interest shall not be prohibited from testifying at, or presenting evidence to a public hearing or similar public process after acknowledging nonparticipation in the matter due to a conflict of interest. A knowing violation of this section shall be a misdemeanor.

F. Right Of Appeal: For required procedures, see article D of this chapter. (1974 Code § 4-302)

9-3-3: BUILDING INSPECTOR:

The building inspector shall assist the Planning and Zoning Clerk in matters, as requested, and shall:

- A. Inspect residential, commercial, and industrial buildings or structures and projects for compliance with Building Codes, ordinances, zoning and safety requirements;
- B. Perform other duties as assigned;
- C. Issue occupancy permits; and
- D. Perform all administrative duties assigned to him by the Planning and Zoning Clerk, Commission or Council. (1974 Code § 4-303)

9-3-4: VIOLATION; PENALTY:

A. Violation: Pursuant to Idaho Code section 67-6527, unless otherwise provided in this title, a violation of this title is hereby declared to be a misdemeanor and, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this Code. (Ord. 991, 10-11-2018)

B. Civil Action: Whenever it appears to the City Council that any person has engaged or is about to engage in any act or practice violating any provisions of this title, the City Council may institute a civil action in the District Court to enforce compliance with this title. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this title, a permanent or temporary injunction, restraining order or other such relief as the court deems appropriate may be granted. The Governing Board shall not be required to furnish any bond in said civil processing.

C. Costs; Civil Suit For Collection: The City Council may file a civil suit to collect any costs the City incurred which were not paid upon billing the same to the petitioners.

D. Costs And Attorney Fees: The City shall be entitled to costs and reasonable attorney fees on any suits brought to enforce this title. (1974 Code § 4-3001)

ARTICLE A. CERTIFICATION OF ZONING COMPLIANCE

SECTION:

9-3A-1: Certification Required

9-3A-2: Building Permit Requirement

9-3A-3: Application

9-3A-4: Record Of Certification

9-3A-1: CERTIFICATION REQUIRED:

No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or land be established or changed in use without a certification of zoning compliance issued by the planning and zoning clerk. Certification of zoning compliance shall be issued only in conformity with the provisions of this title and shall be required before the issuance of a building permit. (1974 Code § 4-2101; amd. 2010 Code)

9-3A-2: BUILDING PERMIT REQUIREMENT:

No person shall erect, construct, enlarge, alter, repair, move, convert or demolish any building or structure in the city or the city's area of legal jurisdiction, or cause the same to be done without first obtaining a separate building permit for each such building or structure from the city building inspector. (1974 Code § 4-2102)

9-3A-3: APPLICATION:

A. When To Make Application: In cases where a building permit is also required by the city building code, application for certification of zoning compliance shall be made coincidentally with application for building permit. In all other cases, it shall be made prior to the date when a new or enlarged use of a building or premises, or part thereof, is intended to begin. (1974 Code § 4-2103)

B. Transmittal To Planning And Zoning Commission: When the planning and zoning clerk receives an application for zoning compliance certification for a use which requires a permit from the governing board, such application, together with all supporting data, shall be transmitted by the planning and zoning clerk to the planning and zoning commission.

C. Site Plan Required: When the planning and zoning clerk receives an application for a zoning compliance certification for a use which requires a conditional use permit, or for which site plan approval by the planning and zoning commission is required, such application shall be transmitted to the planning and zoning commission and zoning compliance certification shall not be issued by the planning and zoning clerk until the planning and zoning commission and the governing board have approved the site plans. Site plans shall include, but not be limited to, the following: (Ord. 929, 5-14-2007)

1. Legal description of the property by township, range, and section coordinates, and by metes and bounds, or if the property is a part of a recorded plat, by name, book and page number of plat and lot number or parcel designation;
2. Name, address and telephone number of the property owner and of the person who prepared the site plan;
3. Dimensions of all lot and property lines showing the relationship of the property to abutting properties; boundaries of all lots or parcels under separate ownership contained therein, or abutting thereon;
4. Precise location, dimensions, height and use of all buildings and structures existing on the property and on abutting lots within fifty feet (50');
5. Location, alignment and right of way width of all streets, alleys and utility easements existing in or abutting the property;
6. Location and dimensions and number of spaces contained in all existing and proposed off street parking lots and loading areas;
7. Location, right of way width and alignment of all proposed public streets, alleys and utility easements in or abutting the site, and location and width of all access drives to the property from public streets;
8. Precise location, size and height of all buildings and structures proposed to be erected or altered;
9. Proposed uses of buildings, structures and land, including the number of dwelling units, amount of usable floor area, etc.; and
10. Any additional information required to show how all special regulations pertaining to the proposed use are to be met. (1974 Code § 4-2103)

9-3A-4: RECORD OF CERTIFICATION:

Certification of zoning compliance shall be noted on the certificates of occupancy and be maintained by the building department, and copies shall be furnished upon request to any person upon payment of a fee set by the governing board. (1974 Code § 4-2105; amd. Ord. 929, 5-14-2007; 2010 Code)

ARTICLE B. CERTIFICATE OF OCCUPANCY

SECTION:

9-3B-1: Certificate Required

9-3B-2: Issuance

9-3B-3: Construction And Use

9-3B-4: Temporary Certificate

9-3B-5: Minor Modifications

9-3B-6: Record Of Certificates

9-3B-7: Failure To Obtain Certificate

9-3B-1: CERTIFICATE REQUIRED:

It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof thereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the building inspector and all other required signatures stating that the proposed use of the building or land conforms to the requirements of this title and with all conditional provisions that may have been imposed. (1974 Code § 4-2201)

9-3B-2: ISSUANCE:

Within five (5) regular workdays after receipt of notice that the building, structure or premises, or part thereof, has been completed and is ready for use or occupancy, the building inspector shall make a final inspection thereof to determine whether construction has been completed in conformity with provisions of this title. If he finds construction in conformity, he shall issue an occupancy permit to the owner of the building, structure or premises. (1974 Code § 4-2202)

9-3B-3: CONSTRUCTION AND USE:

Certification of zoning compliance or certificate of occupancy issued on the basis of plans and application, which are approved by the planning and zoning clerk and building inspector authorize only the use and arrangement which are set forth in such approved plans, applications or amendments thereto. Any other use, arrangement or construction contrary to that authorized shall be deemed a violation of this title. (1974 Code § 4-2203)

9-3B-4: TEMPORARY CERTIFICATE:

The building inspector may issue a temporary occupancy permit for a part of a building, structure or use prior to completion of the entire building, structure or use; provided, that such a part has been completed in conformity with all provisions of this title and is considered safe and suitable for use or occupancy. Such temporary occupancy permit may remain in force until the expiration date set forth thereon or it is canceled by the city. No property owner has the right to receive a temporary certificate of occupancy. As a condition for issuing a temporary certificate of occupancy, the city shall set forth an itemized list of what must be accomplished in order to obtain an occupancy permit required by this title. The date for the completion of such items, a bond or other security to ensure that the work is completed on time and such other items that the city may require, including, but not limited to, the right of the city to have the work completed and charge the owner for the cost thereof as a tax or lien upon said property may be included as a condition of the temporary certificate of occupancy being granted. (1974 Code § 4-2204)

9-3B-5: MINOR MODIFICATIONS:

The building inspector may, upon request and following investigation and report to the planning and zoning commission chairman, approve minor modifications of certain terms of this title upon a finding in each separate case that such modification is consistent with the interest of this title and is in no way detrimental to adjacent properties or to the general public welfare. Such permitted modifications shall be restricted to the following provisions and to the extent hereinafter specified:

- A. Minimum required interior side and rear yards: Permit reduction by not more than ten percent (10%).
- B. Minimum distance between single-family dwellings on adjacent lots: Permit reduction by not more than ten percent (10%).
- C. Minimum distance between multi-family dwellings: Permit reduction by not more than twenty percent (20%).
- D. Off street parking spaces: Permit reduction of number of required space by not more than ten percent (10%), or reduction of minimum required width of spaces by not more than six inches (6").
- E. Trash enclosures: Permit minor modifications to the requirements regulating trash enclosures consistent with the interest of such requirements. (1974 Code § 4-2205)

9-3B-6: RECORD OF CERTIFICATES:

The building inspector shall maintain a record and index of all certificates of occupancy. (1974 Code § 4-2207)

9-3B-7: FAILURE TO OBTAIN CERTIFICATE:

Failure to obtain a certificate of occupancy shall be a violation of this title. (1974 Code § 4-2206)

ARTICLE C. SCHEDULE OF FEES, CHARGES AND EXPENSES

SECTION:

9-3C-1: Zoning And Planning Fees

9-3C-2: Fee Calculation

9-3C-3: Fee Waivers

9-3C-4: Refunds

9-3C-5: Payment Of City Costs

9-3C-1: ZONING AND PLANNING FEES:

A petitioner or applicant for any of the zoning or planning matters in this title shall pay the fees established by the city council, by resolution. No petition or application, except as hereafter provided, shall be accepted by the city council unless accompanied by the required filing fee. (1974 Code § 4-2901)

9-3C-2: FEE CALCULATION:

For any requested public hearing involving more than one classification of a petition or application, the filing fee shall be calculated on the basis of the highest fee for an individual classification or application. (1974 Code § 4-2902)

9-3C-3: FEE WAIVERS:

Notwithstanding any of the preceding fee schedules, the city council shall have the authority to waive, in whole or in part, any fee for any hearing before the planning and zoning commission for petitions by any governmental agency or for any other party when such a fee would present a hardship. An applicant for a hardship waiver must present their request, in writing, to the city council, outlining the degree of such hardship. (1974 Code § 4-2903)

9-3C-4: REFUNDS:

The fees to be charged for the various procedures stated in this chapter are not refundable except where a petition or application is withdrawn at least one week before the date of publication for the scheduled public hearing, and then only by order of the city council. (1974 Code § 4-2904)

9-3C-5: PAYMENT OF CITY COSTS:

If all fees are not paid, the city may revoke any zoning permit, conditional use permit, accessory use permit, variance, occupancy permit, zoning certification or other grant of authority initially given the applicant, and in the case of an annexation procedure, the city may deannex said property. (1974 Code § 4-2905)

ARTICLE D. APPEALS

SECTION:

9-3D-1: Purpose

9-3D-2: Appeals

9-3D-3: Procedure

9-3D-4: Stay Of Procedures

9-3D-5: Appeal Of Action Of Planning And Zoning Clerk Or Commission

9-3D-6: Notification To Appellant

9-3D-7: Supplementary Conditions And Safeguards

9-3D-8: Appeals Of Actions Of Governing Board

9-3D-1: PURPOSE:

The purpose of this article is to standardize the appeal procedure for any party from any adverse ruling of either the planning and zoning clerk, commission, or governing board. All time limits set out in this chapter shall be deemed controlling unless a specified time limit is set out in another section. Any party aggrieved by the final action of the planning and zoning clerk, commission or governing board may appeal in accordance with the appellant procedures set forth in this article. Time limits shall be deemed jurisdictional. (Ord. 929, 5-14-2007)

9-3D-2: APPEALS:

The governing board or commission, as appropriate, shall consider and decide administrative appeals. (Ord. 929, 5-14-2007)

9-3D-3: PROCEDURE:

A. Right To Appeal: Any party aggrieved or affected by any decision may file a notice of appeal, in writing, with the planning and zoning clerk.

B. Notice Of Appeal: All appeals shall be filed within fifteen (15) days after the notice of decision and shall specify the grounds upon which the appeal is filed. (1974 Code § 4-3103)

C. Upon receipt of an appeal, the planning and zoning clerk shall transmit to the governing board or commission the appeal and all papers constituting the record upon which the appeal is filed. (Ord. 929, 5-14-2007)

9-3D-4: STAY OF PROCEDURES:

An appeal stays all proceedings in furtherance of the action unless the planning and zoning clerk certifies to the governing board (after notice of appeal is filed) that, by reason of acts stated in the application, a stay would, in his opinion, cause imminent peril of life and property. (Ord. 929, 5-14-2007)

9-3D-5: APPEAL OF ACTION OF PLANNING AND ZONING CLERK OR COMMISSION:

A. Action Of Planning And Zoning Clerk: Twenty (20) days after receipt of an appeal of the action of the planning and zoning clerk, or at the next regular meeting, the commission shall reach a decision to uphold or overrule the action of the planning and zoning clerk by majority vote. If the appeal is granted, the commission may make the final decision or remand the decision to the planning and zoning clerk for further consideration and findings in light of the commission decision. The matter shall then be processed through the application process as if there had been no appeal. (1974 Code § 4-3105)

B. Action Of Commission: Twenty (20) days after receipt of an appeal of the action of the commission, or at the next regular governing board meeting, the governing board shall reach a decision to uphold or overrule the action of the commission by majority vote. If the matter being appealed required a public hearing at the commission level, the governing board will hold a public hearing after proper notification. If the appeal is denied, the applicant may appeal the governing board's decision. If the appeal is granted, the governing board may make the decision or remand the decision to the planning and zoning clerk or commission for further consideration and findings in light of the governing board decision. The matter shall then be processed through the application process as if there had been no appeal. (Ord. 929, 5-14-2007)

9-3D-6: NOTIFICATION TO APPELLANT:

Within ten (10) days after a decision has been rendered by the governing board, the planning and zoning clerk shall communicate to the aggrieved appellant, interested parties and commission, the governing board's decision relative to the appeal. (Ord. 929, 5-14-2007)

9-3D-7: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In granting an appeal, the governing board may prescribe appropriate conditions and safeguards in conformity with this title. Violations of such conditions and safeguards when made a part of the terms under which the appeal is granted, shall be deemed a violation of this title. (Ord. 929, 5-14-2007)

9-3D-8: APPEALS OF ACTIONS OF GOVERNING BOARD:

Appeals of the action of the governing board concerning the administration of this title may be taken by any aggrieved person. Within twenty eight (28) days after notice of the governing board has been given to the appellant and after all remedies have been exhausted under this title, an aggrieved person may seek judicial review of the governing board's action under provisions provided by Idaho Code sections 67-5270 through 67-5278. (Ord. 929, 5-14-2007)

GENERAL PROVISIONS

SECTION:

9-4-1: Scope

9-4-2: Change, Expansion Or Enlargement Of Use; Improvements Required

9-4-3: Use And Bulk Regulations

9-4-4: Lot/Parcel Splits; Divisions

9-4-5: Lot Line Adjustment

9-4-6: Lot Coverage

9-4-7: Lot Area And Dimension

9-4-8: Access To Public Street

9-4-9: Number Of Buildings On Lot

9-4-10: Existing Conditional Uses

9-4-11: Modification Or Amendment Of Application In Process

9-4-1: SCOPE:

A. Changes In Structure Or Use: Within the corporate limits of the city and the city impact area, except as may otherwise be provided in this title, all uses of land or buildings established hereafter, and all structural alterations or relocation of existing buildings occurring hereafter, shall be subject to all the regulations of this title which are applicable to the districts in which such buildings, uses or land shall be located.

B. Building Permits: Where a building permit for a building or a structure has been issued in accordance with law prior to the effective date hereof; and provided that construction is begun within one hundred eighty (180) days from such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may, upon completion, be occupied upon the issuance of a certificate of occupancy, subject thereafter to the provisions of this title. Loss of the building permit by failure to proceed will result in the loss of this right and any building permit issued after the passage hereof shall be subject to this title. (1974 Code § 4-401)

C. Certificates Of Occupancy: Upon any change, expansion or enlargement of use, application shall be made for a certificate of occupancy. Pursuant to the international building code section 110, and the provisions of this title, no building or structure shall be used or occupied until the certificate of occupancy is issued. (Ord. 929, 5-14-2007)

9-4-2: CHANGE, EXPANSION OR ENLARGEMENT OF USE; IMPROVEMENTS REQUIRED:

Improvements required in this section shall be provided whenever a principal building or structure is expanded or enlarged or when there is a change of use of a building, structure or parcel of land.

A. Scope Of Requirements:

1. Whenever, in any zoning district, a building, structure or land occupied by any permitted use is: a) changed from one land or building use to another; or b) expanded or enlarged to the extent of twenty five percent (25%) or greater in gross floor area, structure area or land area, or increased in gross floor area over ten thousand (10,000) square feet, whichever is less, said change of use or expansion or enlargement shall include installation of improvements required herein.

2. If a single building of a premises containing multiple buildings is expanded over twenty five percent (25%) of that building's square footage but less than a total of twenty five percent (25%) of the combined square footage of all buildings, the improvements required in this section shall be provided for the building being expanded only. If the expansion is the combined footage of all buildings, the improvements required shall be provided for the entire premises.

B. Change Of Use: "Change of use" shall be defined as any change of use from one use category to another.

C. Improvements Required:

1. Landscaping as required by this title.
2. Street, curb, gutter, driveway approach, and sidewalk improvements as required by standards and specifications of the city.
3. Loading and parking space improvements as required by chapter 13 of this title.

D. Completion Of Improvements And Deferrals:

1. Unless otherwise provided, all improvements shall be a condition of any building permit, and they shall be completed prior to final inspection and occupancy of the building or property.

2. If cost of improvements required herein exceeds twenty five percent (25%) of the cost of the proposed private improvements, upon recommendation of the city engineer and approval of the city council, an agreement may be negotiated to allow the required improvements to be staged over a period of time, not to exceed one year. The terms of any deferral agreement will be in a written development agreement signed by the parties and recorded with the Twin Falls County recorder. (1974 Code § 4-402)

9-4-3: USE AND BULK REGULATIONS:

A. Use: A building, structure or land shall hereafter be used or occupied, and a building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged or altered only as in conformity with the regulations in this title specified for the district in which it is located.

B. Bulk: All new buildings and structures shall conform to the regulations established in this title for the district in which each building shall be located. (1974 Code § 4-403)

9-4-4: LOT/PARCEL SPLITS; DIVISIONS:

- A. Lot Split: The splitting of one lot in a subdivision into two (2) building sites.
- B. Parcel Splits: The splitting of a parcel under single ownership, which has not been platted as part of a subdivision after 1981, into two (2) parcels.
- C. Conditions To Be Met: Such splits will only be considered under the following conditions:
1. No public improvements are required because of such split;
 2. The newly created lot(s)/parcel(s) shall have access to a public conveyance meeting the minimum requirements of the district in which it is located;
 3. Applicant meets all other requirements of this title.
- D. Application Process: In order to qualify for a lot/parcel split provided for in this section, an applicant must complete and file with the planning and zoning clerk a standard application form, together with a filing fee established by council resolution. The application must be accompanied by:
1. Proof of ownership of the land;
 2. A map of the lot(s)/parcel(s) drawn to scale showing the proposed division;
 3. A legal description of the proposed lot or lot/parcel or parcels.
- E. Approval: If the application and its attachments meet the requirements of this chapter, planning and zoning clerk will issue a certificate approving the split. The planning and zoning clerk may require clustering of the lots/parcels to be split to minimize interference with any agricultural use and/or to minimize necessary road access.
- F. Record Of Survey With Metes And Bounds Description Required: When a lot/parcel split of land has been approved by the planning and zoning clerk pursuant to this chapter, the applicant must, at his/her expense, furnish a record of survey with a metes and bounds description prepared by a professional land surveyor. When the city certifies that the record of survey and description correctly evidences the split as approved, the applicant must then record the record of survey, a deed with the appropriate description when conveying title, and the planning and zoning clerk certificate with the office of the Twin Falls County recorder. The applicant must also file one copy of the record of survey, one copy of the deed and two (2) copies of the recorded documents with the city who shall maintain a record of the split. Recordings should not be made until after time for appeal has expired.
- G. Appeal By Affected Persons: Any affected persons who are aggrieved by the planning and zoning clerk's decision as to an application for a lot/parcel split pursuant to this chapter may appeal such decision as provided in chapter 3, article D of this title.
- H. Limitation: Once one split has been approved, there shall be no additional splits from that land, regardless of ownership. Any additional splits of the land must follow the subdivision procedures outlined in this title. (1974 Code § 4-404)

9-4-5: LOT LINE ADJUSTMENT:

Requirements for lot line adjustment:

- A. It is advisable to meet with the planning and zoning clerk to discuss the proposed adjustment to verify the process before employing a surveyor;
- B. Nonconforming lots may not be created;
- C. All requirements of area, setbacks and road frontage for the applicable zoning must be adhered to for all parcels;
- D. The new parcels must be described by a metes and bounds description, or a description acceptable under state law, and recorded with the county recorder;
- E. No additional buildable parcels may be created;
- F. The record of survey shall be submitted to the planning and zoning clerk for review before recordation;
- G. A record of survey is required when any property is divided for the purpose of lot line adjustment. The record of survey shall include the following statements:
1. Record of survey of "_____" for the purpose of lot line adjustment;
 2. Description of new parcels: "_____". (1974 Code § 4-406)

9-4-6: LOT COVERAGE:

A. Maintenance Of Yards, Courts And Other Open Spaces: The maintenance of yards, courts, other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner or his successor in title of such building or of the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, courts, other open space or minimum lot area allocated to any building shall (by virtue of change of ownership or for any other reason) be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

B. Location Of Required Open Space: All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same lot as such building or dwelling group except as permitted in an approved planned unit development (PUD). (1974 Code § 4-407)

9-4-7: LOT AREA AND DIMENSION:

A. Two Or More Contiguous Lots Under One Ownership: When two (2) or more lots or parcels of land are contiguous and are held in one ownership, the owner may elect to use such lots or parcels as one lot or parcel to build on by recording an instrument, which the city has previously approved, in writing, with the Twin Falls County recorder that the owner has elected to do so and filing a copy thereof with

the city. Thereafter, the yard requirements, percentage of occupancy and similar rules will apply to the entire parcel as if it were always one parcel.

B. Two Or More Contiguous Lots Under One Ownership Lacking Adequate Area And Dimension: When two (2) or more lots or parcels of land (each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located) are contiguous and are held in one ownership, they shall be used as one lot for such use as is permitted in the use district. To do so, the owner must comply with subsection A of this section. (1974 Code § 4-408)

9-4-8: ACCESS TO PUBLIC STREET:

Except as otherwise provided for herein by planned unit developments (PUD), every residential building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street or has permanent access to a public street by means of a recorded permanent easement or right of way approved by the city. Permanent access may also be by flag lot design or private shared driveways. (1974 Code § 4-409)

9-4-9: NUMBER OF BUILDINGS ON LOT:

The number of principal detached buildings allowed in each district shall be specified by that district or as allowed or provided for in the case of planned unit development (PUD), duplex or multi-family area. When the number is not specified it shall be considered to be one. (1974 Code § 4-410)

9-4-10: EXISTING CONDITIONAL USES:

Where a use is classified as a legal conditional use and exists as a legal conditional use at the date of the adoption hereof, it shall be considered a legal conditional use without further action of the commission or council. (1974 Code § 4-411)

9-4-11: MODIFICATION OR AMENDMENT OF APPLICATION IN PROCESS:

All applications for amendment, alteration or modification of an approved application or use shall be treated as an initial application and must be processed in the same fashion and under the same procedures as an initial application. (1974 Code § 4-412)

CHAPTER 5

NONCONFORMING USES AND STRUCTURES

SECTION:

9-5-1: Intent

9-5-2: Nonconforming Uses

9-5-3: Nonconforming Structures

9-5-4: Repairs And Maintenance

9-5-5: Nonconforming Use Of Land For Grazing Or Keeping Of Domestic Farm Animals

9-5-6: Uses Under Conditional Use Provisions Not Nonconforming Uses

9-5-1: INTENT:

A. It is the intent of this chapter to permit nonconformities to continue until they are removed but not to encourage their survival. It is further the intent that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as herein otherwise provided.

B. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this title and upon which actual building construction has been diligently carried on. (1974 Code § 4-501)

9-5-2: NONCONFORMING USES:

Where, at the effective date of adoption hereof or amendment of this title, lawful use of land exists that is made no longer permissible under the terms of this title, such use may be continued subject to the following provisions:

A. Intensity Not Enlarged, Increased, Or Extended: No such nonconforming use or the intensity of such use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title.

B. Moved: No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this title. (1974 Code § 4-504)

C. Use Ceases:

1. Request Declaration Of Intention: If any such nonconforming use of land ceases, for any reason, for a period of more than one year or longer, the city may, by written request, require that the owner declare his intention with respect to the continued nonuse of the improvements, in writing, within twenty eight (28) days of receipt of the request.

2. Notice Of Intent To Continue: If the owner elects to continue the nonuse, he shall notify the city, in writing, of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in the Buhl Herald. If the owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue for a period not to exceed a total of ten (10) years, notwithstanding any changes in the zoning of the property.

3. Right Of Nonconforming Use Lost; Affidavit Of Withdrawal: If the property owner does not follow this procedure within twenty eight (28) days, the right of nonconforming use will be lost. The property owner may voluntarily elect to withdraw the use by filing with the planning and zoning clerk an affidavit of withdrawn use.

4. Property Redesigned: If the property is redesigned for a different use, the property owner shall be deemed to have abandoned

any grandfather right to prior use of the property.

5. **Designed Purpose Defined:** For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to this title.

6. **Other Laws Or Ordinances:** The provisions of this subsection shall not be construed to prohibit the city from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare. (1974 Code § 4-502)

D. **Change To Another Nonconforming Use:** Any nonconforming use of a structure or of a structure and land, may, upon the issuance of a nonconforming use permit by the commission, be changed to another nonconforming use; provided, that the commission finds that the proposed use is equally appropriate or more appropriate to the now existing zoning district than the existing nonconforming use. In making its decision the commission should compare the differences, if any, between the requirements of the existing nonconforming use and the proposed nonconforming use as to traffic density, parking, customer or client coming and going, air, light and noise pollution and such other comparisons of effects the change will have on the surrounding property and neighborhood. Once a nonconforming use has been changed, the original nonconforming use cannot be returned unless a nonconforming use permit is issued as provided for above. In permitting such change, the commission may allow structural and land changes found necessary for such change of nonconforming use and may require appropriate structural and land changes and impose conditions and safeguards before the new nonconforming use may commence. (1974 Code § 4-502)

9-5-3: NONCONFORMING STRUCTURES:

If it is a lawful use of a structure or of structures and premises in combination which exist at the effective date of the terms of this title, the lawful use may be continued subject to the following conditions: (1974 Code § 4-503; amd. 2010 Code)

A. **Enlarged, Extended, Constructed, Reconstructed, Or Structurally Altered:** No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, nor shall the intensity of such use be increased or extended.

B. **Extended Within Building:** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building.

C. **Damage By Fire, Flood, Explosion, War, Riot, Or Act Of God:** Any nonconforming building or structure damaged by fire, flood, explosion, war, riot or act of God, may be restored, reconstructed or used as before. (1974 Code § 4-503)

9-5-4: REPAIRS AND MAINTENANCE:

A. **Permitted Repairs:** On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, that the cubic content of the building as it existed at the time of passage or amendment of this title shall not be increased except as above provided.

B. **Replacement Of Nonbearing Walls, Fixtures, Wiring Or Plumbing:** Nothing in this chapter shall be deemed to prevent the replacement of nonbearing walls, fixtures, wiring or plumbing; provided that the cubic content of the building as it existed at the time of passage or amendment of this title shall not be increased except as above provided.

C. **Strengthening Or Restoring To Safe Condition:** Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (1974 Code § 4-504)

9-5-5: NONCONFORMING USE OF LAND FOR GRAZING OR KEEPING OF DOMESTIC FARM ANIMALS:

Land previously zoned for the keeping of domestic farm animals which has been or is subsequently annexed and/or rezoned to a residential district not permitting such use shall be subject to the following:

A. **Front Or Side Yard Area:** In no case shall domestic farm animals be permitted in the front or side yard area of a home.

B. **Extending Existing Pasture Or Animal Keeping Area:** In no case shall any existing pasture or animal keeping area be extended in any way either on the same or adjoining land.

C. **Animal Keeping Activities:** Animal keeping or grazing activities for personal pleasure or use and 4-H projects may be continued subject to compliance with the following: (1974 Code § 4-505)

1. Cows, horses, mules, sheep, llamas, alpacas, emus and goats may be kept, provided the lots upon which said animals are kept have an area of at least one acre. The total number of all such animals (other than their young) under the age of six (6) months allowed on a lot shall be limited to the square footage of the pasture or animal raising area divided by the total minimum area required for each animal as listed below: (1974 Code § 4-505; amd. 2010 Code)

a. Horse, mule or cow, forty thousand (40,000) square feet of area per animal.

b. Goat or sheep, ten thousand (10,000) square feet of area per animal. Four (4) such animals may be kept on a one acre parcel.

c. Animals not listed in subsection C1a and C1b of this section will be placed in a category by the commission on a need basis. If a proposed animal does not fit into subsection C1a or C1b of this section, the commission may reject the owners' petitions to keep such animal. The decision of the commission may be appealed to the council within fifteen (15) days.

d. Young over the age of six (6) months or young on their own without parents shall also comply with these area requirements.

2. If use of a lot for animal keeping or grazing activities is discontinued from actual use for a continuous period of one year, such use shall be considered to be abandoned and may not be resumed.

D. **Grandfather Right; Permit Required:** The planning and zoning clerk shall issue permits to parties desiring to continue to keep animals by virtue of a nonconforming use (grandfather right). These permits shall be issued annually and shall set forth the name of the permittee, the legal description of the real estate and its street address, and the number and type of animals kept on said land. The building inspector shall have the right to go onto said land to confirm that the animals kept on the land comply with the permit. If a landowner fails to obtain a permit for two (2) consecutive years, such landowner will be deemed to have abandoned their nonconforming use. The number of animals cannot be increased from the original number. The form of the permit and the fee for the permit shall be set

by resolution of the city council and approved by the mayor.

E. Complaint Procedures: Complaints regarding offensive animal related activities shall be handled by the planning and zoning clerk or the authorized representative in the following manner: Objections shall be reviewed upon receipt of a written complaint from any household located within three hundred feet (300') of the affected property. Said complaints shall set forth the nature of the objection.

F. Complaint Investigation: Such complaints shall be investigated and findings reported, in writing. Standards for judging complaints shall include:

1. Noise in excess of that compatible with normal residential use (either in terms of volume or hours of occurrence).
2. Odors, flies or dust in excess of that compatible with normal residential use.
3. Trespassing of animals onto adjacent property.
4. Lack of maintenance of animal raising or grazing area. This includes, but is not limited to, cleanup of manure and proper repair of fencing or other enclosures.

G. Action By Planning And Zoning Clerk: The planning and zoning clerk or the authorized representative, upon investigation and in consultation with area residents, may:

1. Approve the situation as it exists.
2. Require all or a portion of the animals to be eliminated.
3. Impose appropriate restrictions such as, repair of fencing or other enclosures, limiting the location of animals on the property, cleanup of manure, establishing a phase out period, or other measures to ensure compatibility with a residential setting.
4. Action by the planning and zoning clerk shall become final fifteen (15) calendar days after the date of notification of the decision to the affected party unless appealed to the commission.

H. Appeals: Appeals shall be handled as set forth in chapter 3, article D of this title. (1974 Code § 4-505)

9-5-6: USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES:

Any use which is permitted as a conditional use in a district under terms of this title shall not be deemed a nonconforming use in such district, but shall, without further action, be considered a conforming use. (1974 Code § 4-506)

CHAPTER 6

ZONING DISTRICTS; MAP

SECTION:

9-6-1: Zoning Districts And Purposes

9-6-2: Zoning District Map

9-6-1: ZONING DISTRICTS AND PURPOSES:

The following zoning districts are hereby established for the purpose of promoting the health, safety, morals, and general welfare of the community:

A. Agriculture Districts: (1974 Code § 4-601)

1. AG-20 Agricultural District: Parcels of land which are twenty (20) acres or more and located within the city area of impact shall be subject to zoning laws as provided in the impact area agreement with Twin Falls County. Parcels of land less than twenty (20) acres or parcels used for other than agricultural purposes and located within the city area of impact shall be under the jurisdiction of city zoning laws. AG-20 land may not be subdivided nor split into parcels of land smaller than twenty (20) acres without prior written approval of the city. The meaning of "agricultural land" is found in the definitions in section 9-2-3 of this title. (Ord. 929, 5-14-2007)

2. AG-R5 Agricultural-Residential Five Acre District: To provide for the transition of agricultural land no longer used for extensive agricultural purposes into residential areas, while preserving agricultural uses compatible with residential development, gross density will not exceed one single-family dwelling unit per five (5) acres. This district also is established to control the infiltration of urban development into agricultural areas which will adversely affect agriculture and to provide a district, the boundary of which will provide the transition between rural and urban. (1974 Code § 4-601)

a. Animals: Animals may be kept on pasture only. The total number of animals (other than their young under the age of 6 months) allowed on a lot or parcel shall be limited to the square footage of the lot excluding roads, buildings, yard, etc. (see definitions) divided by the total minimum area required for each animal as follows: 1) horse, mule or cow, forty thousand (40,000) square feet of area per animal; 2) llama, alpaca, emu, goat or sheep, ten thousand (10,000) square feet of area per animal. (1974 Code § 4-601; amd. 2010 Code)

b. Enclosures: Any building or enclosure in which animals or fowl, except domestic pets, of not more than four (4), are contained, shall be a distance of at least fifty feet (50') from any lot in any R-1, R-4, R-6 and R-16, B-2 or B-3 districts or from any school or institution for human care.

B. Residential Districts: To provide regulations and districts for various residential neighborhoods, density in an R district shall be determined by the minimum lot sizes contained in chapter 9 of this title. Centralized water and sewer facilities are required in all districts exceeding one dwelling unit per acre. Centralized water, sewer facilities and annexation may be required in R-1 districts.

1. R-1: This district is intended to permit the establishment of estate lot density single-family dwellings.
2. R-4: This district is intended to permit the establishment of low density single-family and multi-family dwellings and to protect the

integrity of residential areas by prohibiting the intrusion of incompatible nonresidential uses.

3. R-6: This district is intended to permit the establishment of medium density single-family dwellings and multi-family dwellings.

4. R-16: This district is intended to permit the establishment of medium high density, single-family attached, and multi-family dwellings at a density not exceeding sixteen (16) dwelling units per acre. All such districts must have direct access to a transportation arterial or collector street. The city may require that such developments require the developer to provide neighborhood park or open area.

5. R-P: The residential professional district provides for a low density mixture of residential land uses with light commercial land uses in possible close proximity to adjacent residential districts. The light commercial uses allowed in this district are selected for their compatibility with residential uses. Such a district is typically appropriate along thoroughfares.

C. Business/Commercial Districts: Centralized water and sewer facilities are required in all business/commercial districts.

1. B-1 Central Business District: The B-1 central business district is intended to accommodate and encourage further expansion and renewal in the historical core business area of the community. A variety of business, public, quasi-public, cultural, residential and other related uses are encouraged. The greatest possible concentration of retail sales and business will occur in this district.

2. B-2: The neighborhood business district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations, and is typically appropriate to small shopping clusters or integrated shopping centers located nearby or within residential neighborhoods.

3. B-3: The community business district is intended to create, preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares. This district also includes some development which does not strictly fit the description of this chapter but also does not merit a zoning district.

D. Industrial Districts: Centralized water and sewer facilities are required for all industrial districts, unless waived by a conditional use permit.

1. I-1 Light Industrial: The purpose of the I-1 light industrial district is to provide for light industrial development and to encourage the development of manufacturing and wholesale establishments which are clean, quiet and relatively free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare and that are operated entirely or almost entirely within enclosed structures; to delineate areas best suited for industrial development because of location, topography, existing facilities and relationship to other land uses. Uses incompatible with light industry are not permitted and strip development is prohibited.

2. I-2 Heavy Industrial: The purpose of the I-2 heavy industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments, and is typically appropriate to areas which are most distant from residential areas and which have good rail or highway access.

E. District Review Areas:

1. FP Floodplain Overlay District: The purpose of the FP district is to guide development in the flood prone areas of any watercourse that is consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding. Uses permitted in this district are generally associated with open space, recreational and agricultural land uses and shall not hinder the movement of the floodwaters. (The FP district is superimposed over the other districts.)

F. Airport Zone:

1. AZ airport zone shall be that land, the boundaries of which are described in section 6-4-1 of this code.

2. It is intended that all lands within the airport zone or district shall be primarily available for municipal airport purposes. Excepting other nonconforming uses or buildings now conducted or located on the property within the airport district, all such land shall be used or occupied and any buildings, structure or improvement thereon shall only be used, occupied, placed, replaced, erected, reerected, constructed, reconstructed, altered, extended, enlarged, modified, removed or moved upon obtaining from the planning and zoning commission for the city, a conditional use permit.

3. Except as modified herein, all provisions of this title shall apply to those lands located within the airport zoning district.

4. The administration of this title, as well as the provisions herein as concerns those lands located within the airport zoning district shall be vested with the planning and zoning commission of the city. (1974 Code § 4-601)

G. Public Use Areas:

1. Public use areas are areas designated for use by the public, they shall have no zoning designation.

2. Public use areas shall be shown as such in the city zoning map and related records. (Ord. 960, 6-11-2012)

9-6-2: ZONING DISTRICT MAP:

A. Map Adopted: The districts established in section 9-6-1 of this chapter are shown on the official zoning map, as now existing or as may hereafter be amended, together with all explanatory matter thereon, are hereby incorporated into this title as if set forth in full within this chapter.

B. Boundaries Of Districts: Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following shall apply:

1. Where district boundaries are indicated as approximately following the centerline of street lines, highway right of way lines, streams, lakes or other bodies of water, the centerline shall be construed to be such boundary;

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right of way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map; and

4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line. (1974 Code § 4-701)

C. Compliance With Zoning District Regulations: The regulations for each district set forth by this title shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. (1974 Code § 4-702)

D. Official Schedule Of District Regulations Adopted:

1. District regulations shall be as set forth in the zoning schedule of land use control, and zoning schedule of bulk and coverage controls, and performance standards for district uses of this title.

2. The districts of the city are divided into four (4) land use groups: agricultural, residential, business/commercial and industrial. When several combined land uses exist, or are proposed, the most intensive land use shall be considered as the primary activity. (1974 Code § 4-703)

E. Uses Not Specifically Permitted Or Listed In Districts: When a use is not specifically listed as a permitted use, such use shall be hereby expressly prohibited unless by application and authorization (as provided for under conditional use) it is determined that said use is similar to and compatible with listed permitted uses. Such uses may then be permitted as conditional uses. (1974 Code § 4-704)

CHAPTER 7

AREA OF CITY IMPACT

SECTION:

9-7-1: Integration Of Recitals

9-7-2: Geographic Area Of City Impact

9-7-3: Standards

9-7-4: Governing Plan And Ordinance

9-7-5: Administration Of The Buhl Area Of City Impact

9-7-6: Enforcement Within The Buhl Area Of Impact

9-7-7: Annexation

9-7-8: Renegotiation Of This Chapter

9-7-1: INTEGRATION OF RECITALS:

The recitals set forth in this Ordinance are on file in the office of the City Clerk, are incorporated in the Chapter and by this reference made a part hereof. (Ord. 2024-03, 2-12-2024)

9-7-2: GEOGRAPHIC AREA OF CITY IMPACT:

The agreed upon area of city impact for the city of Buhl is established and set forth herein and described as: the current adopted Buhl Zoning/Area of City Impact map, adopted per Buhl Ordinance No. 2024-2, dated 2-12-2024 and the Buhl Comprehensive map, adopted per Buhl Resolution No. 391, dated 4-24-2017 or herein after modified by the parties ("Area of City Impact"). (Ord. 2024-03, 2-12-2024)

9-7-3: STANDARDS:

The following standards shall apply whenever an agency, planning and/or zoning commission, hearing examiner, or governing body of the city or county considers a zone change, comprehensive plan change, request for a special or conditional use permit, planned unit development, variance request, or subdivision plat within the area of city impact. Within the area of city impact, the following standards shall apply:

- A. The City of Buhl Comprehensive Plan;
- B. The zoning and subdivision regulations set forth in Buhl City Code Title 9;
- C. Except as set forth above, all other applicable standards set forth in this code; and
- D. Except as set forth above, all other standards of applicable special districts having jurisdiction within the identified area of city impact. (Ord. 2024-03, 2-12-2024)

9-7-4: GOVERNING PLAN AND ORDINANCE:

A. The City of Buhl Comprehensive Plan, Comprehensive Plan Land Use map, Zoning Districts map, Area of Impact map, and Buhl City Code Title IX shall comprise the governing plan and ordinance in the Buhl Area of City Impact.

B. Within the Area of City Impact, any parcel of land used solely for agricultural purposes, may continue said use until a change of use occurs. (Ord. 2024-03, 2-12-2024)

9-7-5: ADMINISTRATION OF THE BUHL AREA OF CITY IMPACT:

A. Administration:

1. The Board of Commissioners of Twin Falls County hereby appoints and authorizes the Twin Falls County Community Development Services Director, its agents and employees to enforce and administer the provisions of title 9 of the Buhl City Code, to charge and collect fees for such administrative duties as adopted by reference herein for the area of city impact.

2. The County Community Development Services Director accepts the appointment and authorization.

B. Commission:

1. The Board of Commissioners of Twin Falls County here by appoints the County Planning and Zoning Commission as the area of city impact commission to administer Title 9 of the Buhl City Code in the area of city impact.

2. All applications for preliminary plat of subdivisions, vacations, rezones, special use permits, variances, and other such permit shall be submitted to the County Planning and Zoning Commission. All applications for final plat of subdivisions, for vacations and rezones shall be submitted to the County Planning and Zoning Commission for their recommendation and action, prior to submission to the Board of County Commissioners. The Board of County Commissioners may approve, deny, or remand the application. The County shall provide the City with notice and an opportunity to provide comment on these applications pursuant to the standards provided within Idaho Code § 67-6509. (Ord. 2024-03, 2-12-2024)

9-7-6: ENFORCEMENT WITHIN THE BUHL AREA OF IMPACT:

A. Twin Falls County shall be responsible for the administration and enforcement of the county’s ordinances listed in subsection 8-9-19F of this article within the area of city impact, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, any development fees or other costs arising from fulfilling the terms of each ordinance or regulation.

B. Building Code Enforcement Program: The Board of Commissioners of Twin Falls County hereby appoints and authorizes the Twin Falls County Community Development Services Director to contract, subject to Board approval, with the City to administer the County building code enforcement program within the Buhl Area of City Impact pursuant to Idaho Code § 39-4116, in the event the City requests the ability to maintain building code enforcement in its Area of City Impact. (Ord. 2024-03, 2-12-2024)

9-7-7: ANNEXATION:

A. Annexation by the city of Buhl shall be limited to those lands lying within the area of city impact and being contiguous to the city limits of the city of Buhl. Upon annexation, the provisions of this article, which is the agreement between the city of Buhl and Twin Falls County, shall no longer apply to the annexed area.

B. The City of Buhl shall send notice of all annexations, de-annexations, Zoning Code and Comprehensive Plan changes and updates along with maps to the County Community Development Services office.

C. All Twin Falls County land use applications and public notices within the Buhl area of city impact shall be sent to the Buhl city council for review and comment. The city shall have fifteen (15) calendar days after receipt of the notice prior to the public hearing to comment. (Ord. 2024-03, 2-12-2024)

9-7-8: RENEGOTIATION OF THIS CHAPTER:

A. Renegotiation: The area of city impact may be reviewed and renegotiated at any time upon written request of either party hereto. In any event, pursuant to Idaho Code 67-6526(e), the city and the county shall review the agreement every ten (10) years.

B. While renegotiation is occurring, all provisions of this chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by the City of Buhl and Twin Falls County, in accordance with the notice and hearing procedures provided in title 67, chapter 65 of Idaho Code, or until declaratory judgment from the District Court is final. Provided, however, that this chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted ordinance.

C. Repeal of Conflicting Provisions: All ordinances and code sections or parts thereof in conflict with this subsection are hereby repealed. (Ord. 2024-03, 2-12-2024)

CHAPTER 8
SCHEDULE OF USES

SECTION:

9-8-1: Schedule Of Land Use Controls

9-8-1-1: Land Use Violation

9-8-2: Livestock And Poultry

9-8-1: SCHEDULE OF LAND USE CONTROLS:

The following zoning schedule of land use controls is hereby adopted for the City and its impact area:

(Blank) = Not allowed
P = Permitted use
C = Conditional use
P-A = Permitted as accessory use

Land Uses	Zoning Districts												
	AZ	AG-20	AG-R5	R-1	R-4	R-6	R-16	R-P	B-1	B-2	B-3	I-1	I-2
	Zoning Districts												

Land Uses		AZ	AG-20	AG-R5	R-1	R-4	R-6	R-16	R-P	B-1	B-2	B-3	I-1	I-2
Agricultural:														
	Accessory uses, agricultural ¹	P ⁵	P										P	P
	Agricultural, general ¹	P ⁵	P	P									P	P
	Animal, grazing and keeping of domestic farm animals ²	P ⁵	P	P									P	P
	Berry and bush crops	P ⁵	P	P	P								P	P
	Flower gardening	P ⁵	P	P	P	P	P	P					P	P
	Gardening (for home consumption)	P ⁵	P	P	P	P	P	P						
	Gardening, truck	P ⁵	P	P									P	P
	Kennels, noncommercial		C	C										
	Mineral resources, natural (subject to State law provisions)		C										C	P
	Orchards, tree crops	P ⁵	P	P	P								P	P
	Plant nurseries		P	P								P	P	P
	Poultry, fowl, rabbits, bees	P ⁵	P	P	4	4	4	4	4				C	C
	Roadside stands ³	P ⁵	P	C										
	Rock crushing		C											
	Subdivisions (dividing of land to continue Ag uses) ⁶	P ⁵	P	P										

Notes:

1. Any enterprise customarily carried on in the field of general agricultural which is not obnoxious or detrimental to the public welfare. No commercial slaughterhouses, dairy, or feedlot or livestock confinement operation is allowed in the city limits or city impact area.
2. Except pigs. Cows, horses, sheep and goats may be kept provided lots have an area of at least 5 acres. (Subject to section 9-5-5 of this title.)
3. For the display and sale of only those products raised upon the premises, provided it does not exceed an area of 200 square feet and 4 off street parking spaces are provided.
4. Except as provided in section 9-8-2 of this chapter concerning chickens.
5. Uses in the Airport Zoning District (AZ) should verify with the Airport Board and meet FAA regulations.
6. Any subdivisions of land can be no less than 10 acres.

(Blank) = Not allowed
P = Permitted use
C = Conditional use
P-A = Permitted as accessory use

Land Uses	Zoning Districts													
	AZ	AG-20	AG-R5	R-1	R-4	R-6	R-16	R-P	B-1	B-2	B-3	I-1	I-2	
Zoning Districts														
Land Uses	AZ	AG-20	AG-R5	R-1	R-4	R-6	R-16	R-P	B-1	B-2	B-3	I-1	I-2	
Residential:														
	Accessory uses, residential ¹	P ⁴	P	P	P	P	P	P						
	Boarding and rooming houses						C	C						
	Childcare centers					C	C	C	C	C	C	C	C	
	Dwelling, multiple-family						C							
	Dwelling, single-family	P ⁴	P	P	P	P	P	P	C	C	C	C	C	

Dwelling, two-family duplex	C ⁴						P	P						
Dwelling units ²										P		C		
Family childcare home (section 9-12-3 of this title)		P-A	C	C	C	C	C							
Group care home		C	C	C	C	C	C	C	C	C	C	C	C	C
Group childcare home		C	C	C	C	C	C	C	C	C	C	C	C	C
Home for the aged (see Idaho Code section 67-6531)		C	C	C	C	C	C	C	C	C	C	C	C	C
Home occupation (subject to chapter 12 of this title) ³	P-A ⁴	P-A	P-A	C	C	P-A	P-A	P-A	P-A					
Manufactured home (subject to chapter 11 of this title)	P ⁴	P	P	P	P									
Mobile home (see chapter 22 of this title)														
Mobile home park (see chapter 22 of this title)							C	C					C	
PUD general planned residential									C	C	C		C	
PUD planned residential development				C	C	C	C		C					
RV park												C	C	
Retirement home		C	C					C	P					
Subdivisions (subject to chapter 24 of this title)	P ⁴	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary homes for care or lodging of adult indigent persons										C				

Notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.
2. Provided the dwelling units are actually above any use permitted. No density limitation. Parking shall be provided in private parking areas or garages on the basis of 1 space per dwelling.
3. Certain types of home occupations require application for and issuance of a conditional use permit prior to establishment, see chapter 12 of this title.
4. Uses in the Airport Zoning District (AZ) should verify with the Airport Board and meet FAA regulations.

(Blank) = Not allowed
P = Permitted use
C = Conditional use
P-A = Permitted as accessory use

Land Uses	Zoning Districts													
	AZ	AG-20	AG-R5	R-1	R-4	R-6	R-16	R-P	B-1	B-2	B-3	I-1	I-2	
Commercial:														
Land Uses	Zoning Districts													
	AZ	AG-20	AG-R5	R-1	R-4	R-6	R-16	R-P	B-1	B-2	B-3	I-1	I-2	
Commercial:														
Accessory uses, commercial ¹		P	P		P	P	P	P	P	P	P	P	P	
Ambulance services										C	C	P	P	
Antique								C	P	P	P	P		
Appliance sales and service									P	P	P			
Art supply									P	P	P	P		
Auction sales (no livestock auction in B-1, B-2, B-3)		C	C						C	C	C	C	C	

	Automobile parts and accessories									P	P	P	P	
	Automobile sales, new and used									C	C	P	P	P
	Bakery retail									P	P	P	P	P
	Bakery, wholesale												P	
	Banks								P	P	P	P		
	Barber and beauty shops								P	P	P	P		
	Bicycle shop									P	P	P	P	
	Blood banks									P		P		
	Blueprinting									P		P	P	
	Boat storage											C		
	Bookstores									P	P	P		
	Bowling alleys									C		P		
	Building maintenance service											P	P	P
	Business offices, general									P	P	P		
	Camera and supplies									P	P	P		
	Car washes									P	C	P	P	P
	Carnivals, circuses, amusement parks (duration of more than 2 weeks)		C							C		C	C	C
	Catering services									P		P	P	
	Chapels									P	P	P		
	Clinics, medical, dental and optical								C	P	P	P		
	Clothing									P	P	P		
	Cocktail lounges									C		C		
	Community shopping center									P	C	P		
	Confectionery									P	P	P	P	P
	Convenience stores (subject to performance standards)									P	P	P	P	
	Curio and novelty									P	P	P		
	Dairy products, retail only									P	P	P		
	Dance halls									C		C		
	Dancing and music schools									P	P	P		
	Data processing								C	C	P	P	P	
	Day nursery					C	C	C	C	C	C	C	C	
	Delicatessen									P	P	P	P	P
	Department stores									P	P	P		
	Drapery stores									P	P	P		
	Dress millinery									P	P	P	P	
	Dry cleaners, coin operated, custom and self- service									P	P	P	P	
	Dry cleaners, coin or attendant operated, no on site cleaning plant									P	P	P	P	
	Electrical and electronic supplies, retail									P	P	P	P	
	Entertainment and amusement (within a wholly enclosed building)									P	P	P	P	
	Fabric									P	P	P		
	Florist								C	P	P	P		
	Furniture									P	P	P		
	Game rooms									P	P	P		
	Garden supply									C	C	P	P	
	Gift									P	P	P		
	Golf, miniature									P	P	P		
	Grocery											C	C	
	Hardware									P	P	P	P	

	Health clubs									P	P	P		
	Hobby shops									P	P	P		
	Hotels									P	C	C		
	Jewelry									P	P	P		
	Kennels, commercial		C	C								C	C	C
	Laboratories, biochemical and X-ray								C	C	C	C	C	
	Laboratories, medical and dental								C	P	P	P	C	
	Laundromat									P	C	C		
	Leather goods									P	P	P		
	Liquor stores, package									P	P	P		
	Lockers, cold storage, retail use only											P	P	
	Locksmith									P	P	P	P	
	Meat market									P	P	P		
	Mini-storage units											C	P	
	Mobile home, manufactured home and recreational vehicle sales											P	P	P
	Mortuaries								C	P	P	P		
	Motels, and motor hotels											P	P	
	Museums									P	P	P		
	Music									P	P	P		
	Neighborhood shopping center										P	P		
	Newspaper printing									P	P	P	P	P
	Nurseries, plant		P	P								P	P	P
	Office supplies and equipment								C	P	P	P		
	Paint and wallpaper									P	P	P	P	
	Pawnshops									P	P	P		
	Pets									P	P	P		
	Pharmacy or drugstore									P	P	P		
	Photographic film processing, photoengraving, photocopying, etc.									P	P	P	P	
	Printing									P	P	P	P	P
	Professional offices								P	P	P	P		
	Racetracks, including drag strips, go-cart tracks, etc.											C	C	C
	Radio and television broadcasting									P	P	P	P	
	Recreational vehicle storage											C		
	Repair garage									C	C	C	P	P
	Restaurants (except no drive-ins, walk-ups or alcoholic beverages)								C	P	P	P		
	Restaurants - drive-in									P	P	P		
	Restaurants - lounge with alcoholic beverages									P	P	P	P	P
	Riding academy ²		C											
	Secondhand (if conducted within a wholly enclosed building)									P	P	P		
	Service station									C	C	P	P	P
	Sewing machine sales and service									P	P	P		
	Shoe repair									P	P	P		
	Shoes									P	P	P		
	Skating rinks, indoor											P		
	Small animal hospitals and clinics											C	P	P
	Sporting goods									P	P	P		

	Stables, commercial ²		C											
	Studios (artists, interior decorators, photographers, etc.)							P	P	P	P			
	Subdivisions (for commercial uses)								P	P	P			
	Surgical, medical and dental supplies and equipment							C	P	P	P			
	Tailor or dressmaking								P	P	P	P		
	Taverns								C	C	C	C		
	Telephone, computer, etc.								P	P	P	P		
	Theaters, drive-in ³											P	P	
	Theaters, movie								P	P	P			
	Tobacco shops								P	P	P			
	Toys								P	P	P			
	Travel agencies							C	P	P	P			
	Treatment center for alcoholism/chemical dependency ⁴								C	C	C			
	Upholstery, automobile and furniture								P	P	P	P		
	Variety									C	C	P	P	
	Veterinary, animal hospital or clinic									C	C	P	P	
	Wrecking yard, motor vehicle, trailer, truck													C

Notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.
2. Provided the lot area shall be no less than 10 acres.
3. Except at locations designated for future residential use or development on the comprehensive plan.
4. Conditional use permit required for residential or outpatient facilities.
5. Uses in the Airport Zoning District (AZ) should verify with the Airport Board and meet FAA regulations.
6. Any subdivisions of land can be no less than 10 acres in the Airport Zoning District (AZ).

(Blank) = Not allowed
P = Permitted use
C = Conditional use
P-A = Permitted as accessory use

Land Uses	Zoning Districts													
	AZ	AG-20	AG-R5	R-1	R-4	R-6	R-16	R-P	B-1	B-2	B-3	I-1	I-2	
Industrial:														
Land Uses	Zoning Districts													
	AZ	AG-20	AG-R5	R-1	R-4	R-6	R-16	R-P	B-1	B-2	B-3	I-1	I-2	
Industrial:														
Accessory uses, industrial ¹												P	P	
Administrative and sales offices related to industrial uses												P	P	
Agricultural machinery, sales and service											P	P	P	

	Agricultural supplies												P	P
	Asphalt batching												C	C
	Automobile body, paint shop											C	P	P
	Building materials											P	P	P
	Concrete batching and mixing												C	C
	Equipment rental yards												P	P
	Equipment sales											P	P	P
	Feed and seed processing and sales												P	P
	Grain storage, shipping and handling												P	P
	Hatcheries												P	P
	Impound/storage yard, vehicles												C	P
	Incineration or reduction of garbage, dead animals, offal or refuse													C
	Laboratories, experimental, film or testing												P	P
	Manufacture and preparation of food products												P	P
	Manufacture, assembly or packaging of products ²												P	P
	Manufacture of electronic instruments and devices												P	P
	Manufacturing, compounding, bottling, processing, packaging or treatment of food and beverage products												P	P
	Manufacturing, compounding, processing, assembling, packaging treatment, or fabrication of products listed ⁴ , provided the applicable performance standards are adhered to												P	P
	Manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, treating or testing or a combination thereof of items, materials or goods												C	P
	Plumbing supplies and services											P	P	P
	Public utility buildings												P	P
	Radiator service and repairs												P	P
	Research facilities, administrative and executive												P	P
	Retail sales/service incidental and directly related to industrial uses												P	P
	Salvage yards													C
	Slaughterhouses													
	Subdivisions (for industrial uses)												P	P
	Truck repair shops													P
	Truck sales												P	P
	Trucking yards and terminals													P
	Utility buildings and uses												P	P
	Warehouse, distribution and wholesale ³												P	P

Notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.
2. From previously prepared materials such as cloth, plastic, metal, paper, leather, and precious or semiprecious stones.

Radio towers/transmitters													P	P
Sewage and waste treatment plants														C
Schools and colleges	P ³	C	C	C	C	C	C	C	C	C	C	C		
Sports facilities		C	C	C	C	C	C	C	C	C	C	C	C	C
Subdivisions (for public/semipublic uses)		P	P	P	P	P	P	P	P	P	P	P	P	P

Notes:

1. Uses normal and incidental to the uses permitted in each respective zoning district.
2. Only those uses essential to the physical or economical welfare of an area. Interior yards for these uses shall be a minimum of 25 feet and there shall be no stockpiling or storage of materials.
3. Uses in the Airport Zoning District (AZ) should verify with the Airport Board and meet FAA Regulations.
4. Any subdivisions of land can be no less than 10 acres in the Airport Zoning District (AZ).

(1974 Code § 4-901; amd. Ord. 970, 4-22-2013; Ord. 973, 12-9-2013; Ord. 2025-1, 1-27-2025; Ord. 2025-3, 3-24-2025; Ord. 2025-4, 3-24-2025; Ord. 2025-9, 6-9-2025; Ord. 2025-13, 10-27-2025)

9-8-1-1: LAND USE VIOLATION:

Any person or corporation, whether owner, lessee, principal, agent, or otherwise, who uses any land in violation of any of the provisions of this chapter shall be guilty of an infraction. Each week's continued violation shall constitute a separate additional violation. (Ord. 991, 10-11-2018)

9-8-2: LIVESTOCK AND POULTRY:

A. Within any of the residential zoning districts of the City, which are located within the City limits, it shall be unlawful to use the land for the keeping or housing of poultry or livestock, except chickens (hens only) may be kept in the back yard of a residence subject to the following conditions:

1. Permitted Location: Kept in a fenced in back yard of a residence.
2. Roosters Prohibited: No roosters are allowed.
3. Running At Large Prohibited: Not allowed to run at large.
4. Prohibited Locations: Not allowed in front or side yards of the residence.
5. Noncommercial Use Only: Kept for noncommercial use only, such as for family consumption, or 4-H or school projects, etc.
6. Application: Any person or persons desiring to keep chickens on real property inside the City, regardless of the ownership of the real property where such chickens shall be kept or the ownership of the chickens themselves, must first file an application with the City.
7. License Required: A license for keeping or maintaining chickens shall be granted subject to the application meeting the following specifications and requirements:
 - a. Four Or Less Chickens: For four (4) or fewer chickens the base application process will consist of the application form with name, address, phone number, type and number of chickens and type and size of property where chickens are confined and ranged.
 - b. More Than Four Chickens: For more than four (4) but not to exceed ten (10) chickens with no more than one chicken per five hundred (500) square feet of open back yard space. The application process will consist of the application form with name, address, phone number, type and number of chickens, type and size of property where chickens are confined and ranged and written consent to such chicken license by at least seventy five percent (75%) of all the persons in possession of premises within a radius of one hundred feet (100') of the premises upon which such chickens are to be maintained.
 - c. Fee: The application shall be accompanied by the deposit of a license fee set by resolution of the City Council.
 - d. License Nontransferable; Addition To Number Of Chickens: Chicken license shall not be transferable to another location or to other individuals and shall expire December 31 of the year issued. Whenever additions are made to the number of chickens for which a chicken license has been issued, the licensee shall, within three (3) days, report to the Office of the Clerk- Treasurer and pay the required license fee; provided, however, that whenever chicks are hatched, such chicks shall not be counted in computing the number allowed and the license fee until four (4) months old.
 - e. Renewal: Chicken licenses may be renewed upon expiration by filing an application and paying required fees.
 - f. Distance Requirements: All chicken enclosures must be at least ten feet (10') from any fence line, and be located in the back yard.
 - g. Free Range: Chickens are allowed to be free range in a fenced back yard.
 - h. Inspection; Right Of Entry: It shall be the duty of the Code Enforcement Officer to inspect, or cause to be inspected, chicken facilities for which licenses under this section have been issued as often as it may be necessary for the adequate control and supervision of such facilities. The Code Enforcement Officer, or designee, shall have the right to enter all such facilities at any reasonable time for the purpose of making necessary investigations and inspections, and shall be charged with the responsibility of enforcing and administering the provisions of this section.
 - i. Certain Dwellings And Facilities Prohibited: No permit will be issued for two-family dwellings (duplex), multi-family dwellings, or commercial facilities.
8. Nuisance Prohibited: The keeping of chickens shall not create a nuisance as defined in subsection 4-5A-1C of this Code.

9. Disposal Of Waste: The disposal of offal or waste materials from chickens and dead chickens are items excluded from City collection as defined in section 7-3-8 of this Code.

10. Complaint Procedures: Complaints regarding offensive animal related activities shall be handled by the Code Enforcement Officer or the authorized representative in the following manner: Objections shall be reviewed upon receipt of a written complaint from any household located within three hundred feet (300') of the affected property. Said complaints shall set forth the nature of the objection.

11. Complaint Investigation: Such complaints shall be investigated and findings reported, in writing. Standards for judging complaints shall include:

- a. Noise in excess of that compatible with normal residential use (either in terms of volume or hours of occurrence).
- b. Odors, flies or dust in excess of that compatible with normal residential use.
- c. Trespassing of animals onto adjacent property.
- d. Lack of maintenance of animal raising or grazing area. This includes, but is not limited to, cleanup of manure and proper repair of fencing or other enclosures.

12. Action By Code Enforcement Officer: The Code Enforcement Officer or the authorized representative, upon investigation and in consultation with area residents, may:

- a. Approve the situation as it exists.
- b. Require all or a portion of the animals to be eliminated.
- c. Impose appropriate restrictions such as, repair of fencing or other enclosures, limiting the location of animals on the property, cleanup of manure, establishing a phase out period, or other measures to ensure compatibility with a residential setting.
- d. Action by the Code Enforcement Officer shall become final fifteen (15) calendar days after the date of notification of the decision to the affected party unless appealed to the City Council.

13. Appeals: Appeals shall be brought before the City Council.

B. Poultry or livestock presently kept or maintained prior to passage of this title shall be allowed to continue subject to the restrictions set forth in chapter 5 of this title. (Ord. 973, 12-9-2013)

CHAPTER 9

SCHEDULE OF BULK AND COVERAGE CONTROLS

SECTION:

9-9-1: Zoning Schedule Of Bulk And Coverage Controls

9-9-1: ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS:

The following zoning schedule of bulk and coverage controls area have been adopted by the city and its impact area:

MINIMUM YARD SETBACK REQUIREMENTS

District	Minimum Lot Area ⁶	Front	Rear	Interior Side (Per Story)	Street Side	Minimum Lot Coverage Percentage	Maximum Building Height
R-1	43,560 square feet per dwelling unit	25 feet	15 feet	7.5 feet	30 feet	40	35 feet
R-4 ⁷	8,000 square feet per dwelling unit ³	30 feet ¹	15 feet ⁵	5 feet	25 feet ¹	60	35 feet
	6,000 square feet per dwelling unit ⁴	20 feet ²	15 feet ⁵	5 feet	20 feet ²	60	35 feet
	6,000 square feet per dwelling unit ³	30 feet ¹	15 feet ⁵	5 feet	25 feet ¹		35 feet
R-6 ⁷	4,400 square feet per dwelling unit ⁴	20 feet ²	15 feet ⁵	5 feet	20 feet ²		35 feet
R-16	2,400 square feet per dwelling unit	20 feet	15 feet ⁵	5 feet	20 feet		40 feet
R-P	Same as R-6 "P" 7,000 square feet	30 feet ¹ 20 feet ²	20 feet 20 feet	5 feet 5 feet	25 feet ¹ 20 feet ²	60	35 feet
B-1					0		40 feet
B-2					0		35 feet
B-3	See district regulations of corresponding use proposed						
I-1							40 feet
I-2				0			40 feet

Notes:

1. Arterial and collector streets.
2. Local streets.
3. Single-family dwellings.
4. Two-family dwellings.
5. On corner lots in residential districts, the rear setback may be the same as the interior side setback.
6. Minimum lot size shall be determined exclusive of land that is used for streets, highways, alleys, roads and rights of way.
7. Multi-family increase over duplex: 2,000 square feet per unit at grade and 1,000 square feet per unit above or below grade.

(1974 Code § 4-1000)

CHAPTER 10

SUPPLEMENTAL YARD, AREA AND HEIGHT REGULATIONS

SECTION:

9-10-1: Additional Provisions

9-10-2: General Yard Regulations

9-10-3: Building Height Exceptions

9-10-4: Additional Height Allowed For Public Buildings

9-10-5: Site Planning Review

9-10-1: ADDITIONAL PROVISIONS:

In addition to all yard, area and height regulations specified in the zoning schedule of bulk and coverage controls and in other sections of this title, the following provisions shall be adhered to. (1974 Code § 4-1101)

9-10-2: GENERAL YARD REGULATIONS:

A. Yard Requirements For Property Abutting Arterial Or Future Street Rights Of Way: No building shall be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street width plus the width and/or depth of the yards required on the lot by each use district.

B. Open Space And Yards Around Buildings:

1. No yard or open space around any building shall be considered as providing a yard or open space for any other building.
2. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site.

C. Visibility At Intersections ¹ : On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision. (See the appendix attached to zoning ordinance on file in the office of the clerk-treasurer.)

D. Yard Requirements For Multi-Family Dwellings: Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group, as a unit, shall require one front, one rear and two (2) side yards as specified for dwellings in the appropriate district.

E. Requirements For Nonresidential Uses Abutting Residential Districts: Screening and/or other buffer requirements, as stipulated by the commission or council, shall be provided. Said screening at a height of six feet (6'), maintained in good condition and free of all advertising or other signs; for screening required for parking areas, see subsection 9-13-4B4 of this title.

F. Architectural Projections: Open structures such as porches, canopies, platforms, carports, covered patios, chimney and similar architectural projections shall be considered parts of the building to which it is attached and shall not project into the required minimum front, side or rear yard. (1974 Code § 4-1102)

Notes

- ¹ 1. See section 4-3B-3 of this code.

9-10-3: BUILDING HEIGHT EXCEPTIONS:

A. Through Lots:

1. On through lots having a depth of one hundred fifty feet (150') or less, the building height may be measured from the adjoining sidewalk level on either street.

2. On through lots having a depth of more than one hundred fifty feet (150'), the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty feet (150') from such street.

B. Exceptions: The height limitations contained in the zoning schedule of bulk and coverage controls do not apply to spires, belfries, cupolas, pole antennas, water tanks, public utility power poles, ventilators, chimneys or other appurtenances usually required to be placed above the level and not intended for human occupancy, except where height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport. (1974 Code § 4-1103)

9-10-4: ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS:

Public utility buildings, public and parochial schools and churches may be erected to any height, provided the building is set back from required building setback lines at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the district in which the building is located. (1974 Code § 4-1104)

9-10-5: SITE PLANNING REVIEW:

In addition to any other requirements contained in this title, the city, in its discretion, may require, as a condition of approval, that any use, development or construction have the plans, designs, plats, specifications, drawings, actual construction, landscaping, etc., reviewed and approved by the city. The purpose of this review is to ensure that development and construction occurs as it is represented it will occur. Any violations of the representations or conditions of approval shall be violations of this title. (1974 Code § 4-1105)

CHAPTER 11

RESIDENTIAL HOUSING STANDARDS

SECTION:

9-11-1: Single-Family Detached Housing Standards

9-11-2: Multi-Family Dwelling Unit Housing Standards

9-11-3: Manufactured Housing Standards

9-11-1: SINGLE-FAMILY DETACHED HOUSING STANDARDS:

A. Agricultural District AG-20: Those parcels of land which are twenty (20) acres or more and located within the city area of impact shall be subject to Twin Falls County zoning laws and the Twin Falls County building codes and inspections as provided in the impact area agreement between the city and the county.

B. Residential Districts AG-R5, R-1, R-4, R-6 And R-16:

1. Minimum Living Space: All new single-family detached housing in all residential districts shall be constructed to contain at least one thousand (1,000) square feet of living space. The garage or carport shall not be included in determining living space.

2. Multi-Stories: All single-family detached housing in all residential districts which have multi-stories shall have a minimum of eight hundred (800) square feet of living space on the ground floor.

3. Off Street Parking: All single-family detached housing in all residential districts shall have improved off street parking capable of parking at least two (2) standard size vehicles. (1974 Code § 4-1201)

9-11-2: MULTI-FAMILY DWELLING UNIT HOUSING STANDARDS:

A. Minimum Living Space: Each unit of all multi-family dwellings constructed after the effective date hereof shall have a minimum living space of nine hundred (900) square feet in each dwelling unit. The garage is not to be used to determine the size of the dwelling unit to meet the minimum square footage of nine hundred (900) square feet per unit.

B. Off Street Parking: Each dwelling unit shall have improved off street parking capable of parking two (2) standard size vehicles.

C. Conversion Of Single-Family Residence To Duplex: Should the owner of a single-family residence within the R-4 and R-6 zoning districts desire to convert such single-family residence to a multi-family dwelling, in addition to any other standards contained in this title, the following standards must be complied with:

1. Minimum Lot Size: The minimum lot sizes prescribed in chapter 9 of this title for multi-family dwellings must be met. (1974 Code § 4-1202)

9-11-3: MANUFACTURED HOUSING STANDARDS:

A. Intent: The intent of this section is to establish standards and regulations governing the location and approval of manufactured housing in the jurisdiction of the city and that these regulations allow a mix of housing types; however, this should occur in a manner which will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of the manufactured home, allowing only those that are acceptably similar in appearance to site built dwellings on individual lots or parcels in all residential zoning districts. (1974 Code § 4-1203)

B. Manufactured Housing Defined: Manufactured housing-manufactured homes shall be considered single-family dwellings within the zoning districts of the city and its impact area, provided such structures meet or exceed all building code standards as adopted by the state of Idaho and the city (including, but not limited to, plumbing, electrical, fire, and gas codes) and meet the development standards for manufactured homes on individual lots or parcels and provided that such housing is not restricted by restrictive covenants which apply to the lots or subdivision. (1974 Code § 4-1203; amd. 2010 Code)

C. Development Standards For Individual Lots: Development standards for a manufactured home on an individual lot area are as follows:

1. Shall consist of more than one section, shall be at least twenty feet (20') wide, and shall have a minimum floor area of five hundred (500) square feet per section. The minimum floor areas for two (2) sections that will qualify as a dwelling unit shall be one thousand (1,000) square feet.

2. Shall have a nonmetallic, wood shake or asphalt shingle roof or better with a minimum slope of three to twelve (3:12) and minimum six inch (6") eaves, or gutter and eaves attached to the entire perimeter of the roof.

3. Shall have simulated wood or wood siding as a minimum.

4. Shall have a masonry or concrete foundation which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.

5. Shall be permanently affixed, with the running gear and towing hitch removed, to a foundation base having an anchoring system that is totally concealed under the structure.

6. Shall obtain a zoning permit and building permit from the proper city officials to ensure that the manufactured home is located in an allowed zoning district and is assembled on site to standards regulating the anchoring of the structure to its foundation and other building requirements.

7. Shall comply with all other applicable requirements of the zoning district in which the manufactured home is located, such as minimum housing standards within the zoning district in which it is located, lot size, setback requirements and percent of occupancy.

8. Shall comply with any floodplain provisions of this title relating to the location of homes in floodplain areas and any other applicable requirements of this title.

9. Shall be designed to ensure compatibility with adjacent existing and proposed development.

10. Shall have improved off street parking for two (2) standard sized vehicles at a minimum. The improved off street parking is not to be used to determine the size of the manufactured home to meet the minimum square footage of one thousand (1,000) square feet.

D. Accessory Structures: Development standards for an accessory structure to a manufactured home on an individual lot are as follows:

1. Attached accessory structure, as permitted in the zoning district for which a manufactured home may be located, shall be similar in material and integrated into the design of the manufactured home. (1974 Code § 4-1203)

2. Accessory structures must meet all building code standards as adopted by the state of Idaho and the city. (1974 Code § 4-1203; amd. 2010 Code)

E. Administration And Enforcement: Application for approval of manufactured housing on individual lots or parcels shall be submitted to the planning and zoning clerk on a standard prescribed form in addition to such information as is generally required for zoning permits, such application shall also include all information necessary to determine the manufactured home's conformity with the development standards for a manufactured home on an individual lot or parcel. Applicant shall sign and certify the application and provide any additional information necessary to certify that such structure does meet the standards prior to moving the structure to the building site. The building inspector, following issuance of a zoning permit and a building permit and upon inspection of the site for the attachment of the structure to a foundation base, shall verify, in writing, that all standards have been met, as certified in the signed application form.

F. Real Property Taxes: All manufactured houses shall be deemed to be, and shall be treated as, real property and shall be taxed as such and not as personal property.

G. Restrictive Covenants: The party applying to the city for a building permit to locate a manufactured home on a lot or parcel shall represent to the city that there are no restrictive covenants on the proposed building site which prohibits the construction of a manufactured home on said land. (1974 Code § 4-1203)

CHAPTER 12

PERFORMANCE STANDARDS FOR DISTRICT USES

SECTION:

9-12-1: General Provisions

9-12-2: Accessory Building Standards

9-12-3: Accessory Uses

9-12-4: Commercial And Industrial Uses

9-12-5: FP Floodplain Overlay District

9-12-6: Unique Land Uses

9-12-1: GENERAL PROVISIONS:

In addition to all other regulations as specified in this title, the following provisions shall be adhered to:

A. Temporary Buildings: Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may be permitted only in any district during the period the construction work is in progress; however, such temporary facilities shall be removed upon completion of the construction work.

B. Required Trash Area: All trash and/or garbage collection areas for commercial, industrial, and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or fence of at least four feet (4') in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash or garbage as determined by the planning and zoning clerk shall be provided.

C. Parking And Storage Of Certain Vehicles: Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in a completely enclosed building or carport. However, one boat and one travel trailer or recreation vehicle may be stored in the side or rear yards behind the front yard. (1974 Code § 4-1301)

9-12-2: ACCESSORY BUILDING STANDARDS:

A. Located Within Lot Of Ownership; Vacated Alley: All parts of an accessory building shall be located within the lot of ownership. Where an alley has been vacated, permitted uses may be located at the centerline of such alley, provided:

1. Proof of ownership is established;
2. Disclaimer by the city of any utility easements; and

3. Written disclaimer by all utility companies waiving use of the portion of alley to be improved by a structure.
- B. Front Yard Area: The accessory building will not be located in any front yard area.
- C. Distance From Side Or Rear Property Line: The accessory building will not be located closer than five feet (5') from any side or rear property line.
- D. Detached Or Connected To Principal Building: An accessory building may be erected detached from the principal building, or it may be connected thereto by a breezeway or similar structure.
- E. Prohibited Locations; Exception: No accessory building shall be erected in any required court, or in any required yard other than a rear yard, except that where the natural grade of a lot at the front line of the principal building is such as to result in a driveway having a grade of ten percent (10%) or greater, a private garage may be erected within the front yard, but not within fifteen feet (15') of any street line.
- F. Rear Yard Requirements: If located in a rear yard, both detached and connected accessory buildings shall be subject to the requirements set forth in the following subsections:
 1. No part of an accessory building on a corner lot located within twenty five feet (25') of an adjacent residentially zoned lot (either directly or across an alley) shall be nearer to such adjacent lot than the least depth of the existing front yard or required street side yard for a building on such adjacent lot, nor shall accessory buildings project into the side or front yard for the principal building to which it is accessory.
 2. Coverage of rear yard by accessory buildings shall not exceed twenty five percent (25%).
 3. No accessory building or portion thereof located in a required rear yard shall exceed fifteen feet (15') in height. (1974 Code § 4-1302)

9-12-3: ACCESSORY USES:

A. Accessory Use Review Process: The planning and zoning clerk shall make the initial determination as to whether a building, structure or use is accessory to a principal permitted use, and may issue zoning certifications for those which are determined to be accessory and which otherwise comply with this section. Nonimpacting (i.e., no vehicular or foot traffic, noise etc.) home occupations may be approved by the planning and zoning clerk as an accessory use. All other home occupation permits shall follow the procedures of subsection C1 of this section.

B. Basis For Determination: The accessory determination shall be based upon the relationship of the building, structure or use to the principal permitted use. Specifically, it must be habitually or commonly established as reasonably incidental to the principal permitted use and located and conducted on the same premises as the principal permitted use. In determining whether it is accessory, the following factors shall be used:

1. The size of the lot in question;
2. The nature of the principal permitted use;
3. The use made of adjacent lots;
4. The actual incidence of similar use in the area;
5. The potential for adverse impact on adjacent property; and
6. The applicant must be the occupant of the property under consideration and the user of the accessory use. If the occupant is not the owner, written consent of the owner must accompany the application.

C. Uses:

1. Family Childcare Homes And Home Occupations: Family childcare homes and home occupations may be considered to be permissible accessory uses in the residential districts if they are approved after applying the following additional review procedures and the applicable accessory use standards of section 9-12-2 of this chapter:

a. Notice Of Application:

(1) Notice of the application shall be mailed by first class mail to owners of property which abut the external lot boundary lines of the property under consideration.

(2) Applicant shall provide the city with a list of property owner names from the tax records of Twin Falls County.

(3) Properties across a street or alley or kitty corner to the subject property shall be deemed abutting properties. Fifteen (15) days from the date of publication referenced in subsection C1b of this section shall be allowed for written comments.

b. Publication Of Notice: Notice of the application shall be published in the Buhl Herald and fifteen (15) days after publication shall be allowed for written comments. (1974 Code § 4-1303)

c. Additional Water, Sewer And Trash Charges: The applicant shall be required to pay any additional sewer, water and sanitation charges or fees, if any are required. (1974 Code § 4-1303; amd. 2010 Code)

d. Fee: Pay a fee established by resolution of the city council.

e. Decision Of Commission: The commission, using the standards set forth in this chapter and considering any written comments, shall grant the application together with restrictions, if necessary, or deny the application after making findings of fact and conclusions. If there are no appeals filed, the decision shall be final.

f. Appeal: Any aggrieved party may appeal the decision to the council within fifteen (15) days of the commission decision in accordance with the procedures in chapter 3, article D of this title.

2. Group Childcare Homes And Childcare Centers: Are not accessory uses and are regulated as conditional uses. (See chapter 18 of this title for conditional use procedures.)

3. Family Childcare Home Standards:

a. Intent: It is the intent of this subsection to provide for accessory family childcare homes which will not adversely impact surrounding properties due to children's noise, traffic and other activities, and which are located away from and properly screened from adverse impacts to the health, safety and welfare of the children.

b. Applicable Conditions: The following conditions shall apply:

(1) Secure and maintain a childcare license from the Idaho state department of health and welfare, childcare licensing division, if required.

(2) Acquire zoning certification and receive approval after the review process.

(3) Provide one off street parking space per employee which may be the driveway to the home.

(4) Provide for a child pick up area located off of arterial or collector streets.

(5) Provide for screening of adjacent properties to protect children from adverse impacts and to provide a buffer between properties.

(6) Provide for a fence of appropriate height/construction, to enclose play areas, protecting children from traffic on arterial or collector streets.

c. Revocation Of Zoning Certification: Violation of any of the above conditions shall be cause to revoke a zoning certification for a family childcare home.

4. Home Occupation Standards:

a. Intent: It is the intent of this subsection to permit home occupations in residential dwellings which do not change the appearance of the residence nor the condition of its residential character.

b. Applicable Conditions: The following conditions shall apply:

(1) No persons other than members of the family residing on the premises shall be engaged in such occupation;

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation;

(3) No article shall be sold or offered for sale on the premises except such as is produced by the occupants on the premises and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use;

(4) No significant traffic shall be generated by such home occupation, and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this title and shall not be located in a required front yard;

(5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence;

(6) In no way shall the appearance of the residence be altered nor the occupation be conducted in a manner which would cause the premises to differ from its residential character in the use of construction, lighting, and in the emission of noise, fumes, odors, vibrations or electrical interference;

(7) One sign, not exceeding four (4) square feet in area, nonilluminated, or mounted flat against the wall of the principal building, or placed in one window of the principal dwelling shall be allowed. A sign permit is required.

c. Revocation Of Accessory Use Permit: Violation of any of the above conditions shall be cause to revoke an accessory use permit for a home occupation. (1974 Code § 4-1303)

9-12-4: COMMERCIAL AND INDUSTRIAL USES:

A. Performance Standards: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises except that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements: (1974 Code § 4-1304)

1. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the fire code and the national safety foundation publications; (1974 Code § 4-1304; amd. 2010 Code)

2. Radioactivity Or Electrical Disturbances: No activity shall emit harmful radioactivity at any point adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance;

3. Noise: Objectional noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement;

4. Vibration: No vibration shall be permitted which is discernible without instruments on an adjoining lot or property;

5. Air Pollution: Air pollution shall be subject to the requirements and regulations established by the health authorities;

6. Glare: No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any street;

7. Erosion: No erosion by man, wind, or water shall be permitted which will carry objectionable substances onto neighboring properties;

8. Water Pollution: Water pollution shall be subject to the requirements and regulations established by the health authorities.

B. Enforcement Provisions: The planning and zoning clerk, prior to the issuance of a certification of zoning compliance, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in the processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

C. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and the health authority. (1974 Code § 4-1304)

9-12-5: FP FLOODPLAIN OVERLAY DISTRICT:

A. Purpose: The purpose of the FP district is to guide development in the floodway and floodway fringe areas of any watercourse that flood flows, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding. Uses permitted and conditional uses that are authorized in this district are generally associated with open space, recreational and agricultural land uses and shall not hinder the movement of floodwaters. The FP district is superimposed over other districts.

B. Uses: All uses are permitted in the respective districts with which the FP district is combined with the exception that structures used in carrying out those permitted activities must be approved by the commission and the council under the conditional use permit procedure and deemed appropriate to be located within the floodway or floodway fringe.

C. Conditional Use: When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in a floodplain overlay zone:

1. Structures used in carrying out permitted activities provided detailed engineering data is supplied by the applicant who bears the burden of proof that such structures can be located in areas of plateaus, benches or upon manmade fills or can be otherwise elevated so as not to be affected by floodwaters; provided, that:

a. Sewer and water systems shall be floodproofed and approved by the district health department of the department of health and welfare that has jurisdiction; and

b. No building or structure shall be erected and no existing building or structure shall be extended or moved unless the main floor of said building or structure is placed a minimum of one foot (1') above the elevation of the 100-year flood level. No basement floor shall be below this one foot (1') safety margin. Foundations of all structures shall be designed and constructed to withstand flood conditions at the site; and

c. The applicant will provide an engineer's certification that the above requirements have been fulfilled.

2. Other structures used in carrying out permitted activities, provided such structures will not be subject to substantial flood damage and will not increase flood related damages on other lands. These may include structures which can be readily removed from flood hazard areas during periods of high water.

D. Conditions:

1. Conditions that may be required by the commission in approving the use of structures in a floodplain overlay zone shall include:

a. Limitations on periods of use operation;

b. Imposition of deed restrictions;

c. Location and arrangement of structures within the floodway and floodway fringe areas to avoid an increase in flood heights during the recurrence of the 100-year flood discharge;

d. Requirement for construction of channel modification, dikes, levees and other protective measures;

e. Placement of survey bench marks; and

f. Floodproofing measures designed to be consistent with flood protection elevation for a particular area:

(1) Anchorage to resist flotation, collapse and lateral movement;

(2) Installation of watertight doors, bulkheads and shutters;

(3) Reinforcement of walls to resist water pressures;

(4) Use of paints, membranes or mortars to reduce seepage of water through walls;

(5) Addition of mass or weight to structures to resist flotation;

(6) Installation of pumps to lower water levels in structures;

(7) Construction of on site water supply and waste treatment systems to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters;

(8) Pumping facilities for subsurface external foundation wall and basement flood pressures;

(9) Construction to resist rupture or collapse caused by water pressure or floating debris;

(10) Cutoff valves on sewage lines or the elimination of gravity flow basement drains; and

(11) Location of on site waste disposal systems so as to avoid impairment of them or contamination from them during flooding.

E. Storage Of Materials And Equipment: Materials that are buoyant, flammable, noxious, toxic or otherwise injurious to persons or property if transported by floodwaters are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.

F. Other Considerations: The evaluation of the effect on a proposed use in the floodway and floodway fringe areas causing increases in flood heights is based not just on the effect of the single use acting alone, but upon the reasonable assumption that other landowners within the floodplain may need to be allowed to develop to an equivalent extent within the floodway and, therefore, the accumulative effects of all such encroachments must be considered by the commission in making any decision.

G. Nonliability Clause: The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature of the city or the commission, or by any officer or employee thereof, the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.

H. Restrictions: Restrictions regarding height, rear yards, side yards, front yard setback, minimum lot area, signs, vision clearance and parking space shall be the same as set forth in each specific district located within the floodplain overlay zone area.

I. Prohibited Uses: It shall be unlawful to erect, alter, maintain or establish in a floodplain overlay zone any building, use or occupancy not permitted or allowed in the foregoing provisions, except existing, nonconforming uses may continue as herein provided. (1974 Code § 4-1305)

9-12-6: UNIQUE LAND USES:

Certain unique land uses may influence surrounding land uses. The following performance standards for such unique land uses shall be complied with in addition to other provisions of this title, such as land use and zoning:

A. Animal uses, animal clinics, animal hospitals, veterinary office and kennel:

1. Will be located at least five hundred feet (500') from any residence including motels and hotels except for an owner's residence. The commission may modify these requirements if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property; and

2. Will comply with all regulations relative to such an operation, and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

B. Meatpacking and processing plant:

1. Will be located not less than six hundred feet (600') from any residence except for an owner's residence. Such facilities shall have a minimum setback of thirty feet (30') from any property line;

2. Will be designed and located with full consideration to their proximity to adjacent uses, to their effect upon adjacent and surrounding properties, and to the reduction of such nuisance factors as odor; and

3. Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the requirements of the health authority as to the elimination of waste materials and maintenance of water quality control.

C. Bulk storage of flammable liquids and gases, aboveground and for resale: (1974 Code § 4-1306)

1. Will be located and constructed according to the regulations of the fire code; (1974 Code § 4-1304; amd. 2010 Code)

2. Will be erected subject to the approval of the city fire chief; and

3. Will have suitable loading and unloading spaces and off street parking facilities subject to the approval of the city fire chief.

D. Chemicals, pesticide and fertilizer storage and manufacturing:

1. Will have adequate fire protection, storage area, handling and disposal as approved by the city fire chief; and (1976 Code § 4-1306)

2. Will be located and constructed according to the regulations of the fire code. (1976 Code § 4-1306; amd. 2010 Code)

E. Contractor's yard (agency maintenance yard):

1. Will be located a minimum distance of three hundred feet (300') from any residence except for an owner's residence;

2. Will have a screening fence around areas utilized for storage of equipment; and

3. Will be limited to storage, maintenance and processing incidental to contracting work. There shall be no general industrial or commercial uses.

F. Drive-in establishment: Will avoid the direction of night lighting toward any residence.

G. Drive-in restaurant:

1. Will be enclosed on the property line with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties;

2. Will have a six foot (6') high sight obscuring fence along the property lines that adjoin a residence;

3. Will provide for adequate trash receptacles; and

4. Will avoid the direction of night lighting toward any residence.

H. Filling, grading, lagooning, dredging or other earthmoving activity:

1. Will result in the smallest amount of bare ground exposed for the shortest time feasible;

2. Will provide temporary ground cover such as mulch;

3. Will use diversions, silting, basins, terraces, and other methods to trap sediment;

4. Will provide lagooning in such a manner as to avoid creation of fish trap conditions;

5. Will not restrict a channel or natural drainageway;
6. Will construct and stabilize sides and bottom of cuts, fills, channels and artificial watercourses to prevent erosion or soil failure;
7. Will not have below grade excavation except for drainageway within fifty feet (50') of any lot line or public right of way; and
8. Will restore topsoil or loam to a depth of not less than four inches (4").

I. Gravel pits, rock quarries, sand and clay pits and other natural resources of commercial value:

1. The extent and method of rehabilitation shall be determined in advance of issuing certification of zoning compliance, with due consideration given to what is suitable and compatible with the surrounding area;

2. Upon depletion of the area, all temporary buildings and structures (except property line fences and structures for the loading, measuring or weighing of salable material in storage) shall be entirely removed from the property; and

3. Safety fences shall be erected around all pits that create a safety hazard.

J. Mobile home/manufactured home parks: See chapter 22 of this title.

K. Outdoor storage of commercial and industrial materials:

1. Will be screened from view from any existing adjoining residence or residentially zoned area whether or not such property is separated by an alleyway or streets; and

2. Will not be located in any front yard setback area.

L. Public and semipublic parks, and playgrounds:

1. Purpose:

a. To foster the appropriate location and layout of public parks and playgrounds and recreational areas.

b. To harmonize the various features and facilities of parks and playgrounds with surrounding area, so as to produce sound, stable residential neighborhoods.

c. To foster a coordination of public recreational facilities on the part of the city and other public and semipublic agencies.

2. Conditional Use:

a. Required: A conditional use permit issued by the city is required for establishing new locations and site plans for the construction of a public or semipublic park.

b. Application And Plan: An application for approval of a conditional use permit shall be accomplished by plans showing the general layout and location of roadways, entrances, exits, walks, paths, buildings, structures, landscaped areas, off street parking, drainage, water supply, sewerage and other features of design.

c. Planning And Zoning Commission: Prior to the issuance of a conditional use permit, the overall plan and said park or playground shall be prepared and submitted to the commission.

d. Hearings: Public hearings shall be held pursuant to chapter 18 of this title.

3. Standard Requirements:

a. Trees, shrubs, grass and other forms of landscaping shall be provided in sufficient quantities to ensure a parklike appearance. The materials selected shall be in accordance with standards set by the beautification committee.

b. Facilities involving lights shall be located and the lights shall be designed and located so that glare and discomfort will not unreasonably affect surrounding residences.

c. Off street parking areas and other facilities which attract or are intended to accommodate spectators, shall be screened or located so that the detrimental effects of noise and traffic on any surrounding residential area will be kept to a minimum. Further, no required front yard of the lot on which the building is located shall be used for play or parking purposes.

d. The entire layout and design shall be arranged to harmonize with the objectives and characteristics of the district in which they are located.

e. Adequate ingress and egress and off street parking shall be provided for vehicles and pedestrians which the park playground is intended to serve.

M. Schools:

1. Purpose:

a. To foster appropriate locations to accommodate students.

b. To harmonize various features and facilities with surrounding areas, so as to produce sound, stable residential neighborhoods.

c. To foster a coordination of facilities on the part of the city and the school districts and other public and semipublic agencies.

2. Conditional Use:

a. Requirement: A conditional use permit shall not be required to establish a new school building on property designated as "Schools" on the zoning map adopted with this title. The procedures set forth under subsection L2 of this section shall be followed for construction in all other locations.

b. Coordination With City: The school district shall coordinate with the city engineer and maintenance departments in regards to the construction of new sewer and water lines and street and traffic requirements for a new school prior to the beginning of a new school

so that the school district may be made aware of any costs it will be expected to bear prior to making cost estimates for construction and bond elections.

3. Standard Requirements:

- a. Trees, shrubs, grass and other forms of landscaping shall be provided in sufficient quantities to enhance the neighborhood. The materials selected shall be coordinated with the beautification committee.
- b. Facilities involving lights shall be located and designed so that glare and discomfort will not unreasonably affect surrounding residences.
- c. Off street parking areas and other facilities which attract or are intended to accommodate spectators, shall be located so that the effects of noise and traffic on any surrounding residential area will be kept to a minimum. Further, no required front yard of the lot on which any building is located shall be used for play or parking purposes.
- d. The entire layout and design shall be arranged to harmonize with the objectives and characteristics of the district in which they are located.
- e. Adequate ingress and egress and off street parking shall be provided for vehicles and pedestrians which the school is designed to serve.

N. Recreational vehicle parks: See chapter 23 of this title.

O. Riding stables and riding schools:

1. Will locate all stables or loafing sheds not nearer than three hundred feet (300') from any residence except for an owner's residence. All facilities shall be set back a distance of thirty feet (30') from any property line;
2. Will be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties as to the storage of horse trailers and the factors of noise and odor;
3. Will require that the owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance; and
4. Will have a minimum total area for the riding stable and/or school of ten (10) acres.

P. Rifle and pistol range:

1. Will be designed with a backstop or designed to avoid a line of fire that is directed towards any residence or business within one mile;
2. Will incorporate landscaping that is compatible with the surrounding landscaping; and
3. Will provide supervision and security measures during periods of use.

Q. Storage Facility, RV Storage, Boat Storage, Self-Service Storage, and Outdoor-only Self-Service Storage: Specific standards for storage facilities to ensure the aesthetic, structural, and safety standards of self-storage facilities within the city limits and area of impact shall be as follows:

1. General Provisions:

- a. Prohibited Materials: Metal storage containers, including Conex (shipping) containers, are prohibited for commercial self-storage units or facilities.
- b. Construction Types: Storage facilities must be constructed using one (1) or more of the following construction methods in compliance with international building code standards:
 - (1) Stick-Built Construction: Traditional wood-frame construction methods.
 - (2) Post-Frame Buildings: Vertical post and wood framing techniques; also known as pole barns.
 - (3) Pre-Engineered Steel Building (PEMBs): High-quality, prefabricated steel structures designed specifically for self-storage.
 - (4) Masonry (Concrete or CMU): Durable, fire-resistant concrete block construction.
 - (5) Tilt-Up Concrete Panels: Precast or site-cast reinforced concrete wall panels, lifted into place to form exterior and/or interior walls.
- c. Storage: The storage of any items and materials other than vehicles, RVs, or trailers is prohibited unless otherwise approved by the commission; provided that items and materials contained within a vehicle, RVs, or trailer are permitted.

2. Operational Standards:

- a. Storage areas shall not be used as dwellings, or for commercial or industrial business places.
- b. The manufacture or sale of items at self-service storage facilities is prohibited except for storage company auctions of delinquent accounts.
- c. Yard sales and online marketplace pickups at storage facility areas are also prohibited.
- d. Maximum size of individual storage areas shall be five hundred (500) square feet.
- e. Hours Of Operation: Public operating hours shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless otherwise approved or restricted through the conditional use permit.
- f. Noise: Use of the property shall comply with title 4, chapter 3, article C "Offenses Affecting Public Peace and Quiet" of the Buhl city code.

3. Design And Access:

a. Spacing:

- (1) Minimum travel lane width: twenty feet (20') for emergency vehicles.
- (2) Each space must be accessible from an access aisle that is at least twenty feet (20') wide.

b. Perimeter:

- (1) Facilities must be fully fenced, walled, or enclosed and screened from the public right-of-way, and comply with chapter 15 of this title.
- (2) Landscaping and screening along the perimeter, shall refer to the property lines of the specific facility boundaries.

c. Screening:

- (1) Facilities must be screened from public view year-round and adhere to chapter 15 of this title. This article outlines the minimum screening requirements.
- (2) Screening materials should complement the exterior building materials.
- (3) The commission may also mandate additional or modified screening and/or buffering to minimize views of nearby residences and to preserve the character of the surrounding neighborhood.

d. Access:

- (1) Access locations into the facility shall be approved by the applicable transportation jurisdiction.

e. Residential Buffers:

- (1) Structures, drive lanes, parking areas, or loading areas must be at least twenty feet (20') from residential districts unless a six-foot (6') sound-reduction wall is provided.
- (2) All parking, storage and drive aisles within the facility shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.

4. Prohibited Uses:

- a. Storage of hazardous materials as defined in title 40 of the code of federal regulations, part 261, subsequent amendments thereto, is prohibited.
- b. Use Of Site: The site shall not be used as a "pit, mine, or quarry", "junkyard", "automobile wrecking yard" or "contractor's yard" as herein defined unless such use has been approved.
- c. Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

5. On-Site:

- a. An on-site office within the confines of the storage facility is permitted.
- b. The office shall not be used as a dwelling unless approved by the commission and included as a condition in the conditional use permit.

6. Outdoor-Only, Self-Service Storage Standards: For outdoor-only, self-service storage facilities, the following standards apply:

a. Parcel Requirements:

- (1) Minimum Parcel Size: one (1) acre.
- (2) No facility shall be greater than fifteen (15) acres in size.
- (3) Frontage to an arterial street is required.

b. Layout And Screening:

- (1) Stored vehicles, including RVs, trailers, and boats, must be spaced ten feet (10') apart side-to-side, while maintaining a minimum of twenty feet (20') access aisle on at least one end or as approved by the local fire authority.
- (2) Distance between parking rows shall be a minimum of twenty feet (20') of travel lane for emergency vehicle access or as approved by the local fire authority.
- (3) Each space shall have access from an access aisle that is a minimum of twenty feet (20').

c. Screening:

- (1) Fencing must be at least six feet (6') high. Where a fence greater than six feet (6') is proposed, the applicant for the fence shall submit for a permit to the planning and zoning commission for design review.
- (2) Cyclone or chain-like fencing (with or without slat) shall not be deemed a screening to soften the appearance of such features.
- (3) The landscaping plan incorporate vegetative materials along the length of the screening to soften the appearance of such features.

7. Prohibited Activities:

- a. Stored vehicles may not be used as dwellings or places of business.

b. Maintenance, repairs, or rebuilding of vehicles or machinery on the property is prohibited.

8. Compliance And Permits:

a. A building permit is required for all self-storage facilities, subject to review and approval by the building department.

b. Facilities found in violation of this code will be subject to penalties, including fines and possible revocation of operating permits.

c. All storage stalls shall be clearly defined on the site plan. The facility shall designate and maintain storage stall locations on-site at all times.

d. A conditional use permit is required for the operation of a self-storage facility in the appropriate commercial zoning district as outlined in title 9 chapter 8 section 1.

9. Compliance And Inspections:

a. For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the planning and zoning department.

b. If a permit holder refuses to allow inspection of the premises by the planning and zoning department, the approved zoning certificate or conditional use permit may be revoked.

9. Compliance And Inspections:

a. For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the planning and zoning department.

b. If a permit holder refuses to allow inspection of the premises by the planning and zoning department, the approved zoning certificate or conditional use permit may be revoked.

10. Additional Standards For Outdoor Storage As An Accessory Use: Accessory outdoor storage shall be allowed for approved uses subject to the following standards:

a. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.

b. Storage areas shall not be rented, leased, let or otherwise used as a commercial business.

c. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.

d. Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park shall be only for recreational vehicles or personal recreation items of the tenants.

11. Additional Standards For Structures Over 10,000 Square Feet: For structures exceeding a footprint of ten thousand (10,000) square feet, the structure shall be designed such that the building mass and bulk are distributed. The following standards shall not apply to dwellings or agricultural structures as herein defined:

a. Mechanisms for such distribution shall include, but not be limited to, one (1) or more of the following:

(1) Variation in the horizontal offsets of the structure facade. Facades greater than one hundred feet (100') in length must incorporate recesses and projections along a minimum of twenty percent (20%) of the length of the facade. Windows, awnings, and arcades must total a minimum of sixty percent (60%) of the facade length abutting a public street.

(2) Variation in the height of a minimum of five feet (5').

(3) Changes in the grade of a minimum of three feet (3').

(4) Variation in rooflines.

b. The maximum footprint area for the distributed portion of the structure shall be ten thousand (10,000) square feet. The minimum footprint area for the distributed portions of the structure shall be one thousand (1,000) square feet.

c. The commission may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this chapter and shall not be detrimental to public health, safety, and welfare.

12. Application Review Standards: The following shall be considered as part of the review of an application:

a. The proximity of existing dwellings;

b. The number of vehicles anticipated to be stored on the property;

c. The hours of operation;

d. Dust;

e. Noise;

f. Traffic And Circulation;

g. Landscaping And Screening;

h. Lighting;

i. On-Site Manager Residence;

R. Sanitary landfill:

1. Will conform to time limits for daily operation as defined by the council;

2. Will provide a performance bond for privately owned sites to ensure compliance with the provisions of the certificate of zoning;
 3. Will provide for a paved street to the facility; and
 4. Will be supervised during the hours of operation.
- S. Wrecking Yard:
1. Will be completely enclosed by a solid six foot (6') high site obscuring fence and/or berm;
 2. Will not result in the storage of automobile, junk, or salvage material that is visible from any public right of way;
 3. Will not result in storage of automobiles that exceeds the height of the fence; and
 4. Will have such landscaping that is appropriate with the surrounding area. (1974 Code § 4-1306; amd. Ord. 2025-4, 3-24-2025)

CHAPTER 13

OFF STREET PARKING AND LOADING FACILITIES

SECTION:

9-13-1: General Requirements

9-13-2: Use Of Parking Facilities And Parking Regulations

9-13-3: Location Of Off Street Parking

9-13-4: Design Standards For Off Street Parking

9-13-5: Schedule Of Parking Space Requirements

9-13-6: Off Street Loading Requirements

9-13-1: GENERAL REQUIREMENTS:

A. Off Street Parking And Loading Spaces Required: No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this title.

B. Change Of Use: When the intensity of use of any building structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (a horizontal unit of width of 18 inches per seat or other units of measurement specified herein for required parking), or loading facilities, parking and loading facilities as required in this chapter shall be provided for such increase in intensity of use. However, no owner of a building or structure lawfully erected or use lawfully established prior to the effective date hereof shall be required to provide such additional parking or loading facilities.

C. New Use: Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use.

D. Existing Facilities: Accessory off street parking or loading facilities that are located on the same lot as the building or use served and that were in existence on the effective date hereof, or were provided voluntarily after such effective date, shall not thereafter be reduced below or (if already less than) shall not further be reduced below the requirements of this title for a similar new building or use.

E. Permissive Facilities: Nothing in this chapter shall be deemed to prevent the voluntary establishment of off street parking or loading facilities to serve any existing use of land or buildings; provided, that all regulations of this chapter governing the location, design, improvement and operation of such facilities are adhered to.

F. Damage Or Destruction Of Facilities: For any conforming or legally nonconforming building or use which is in existence on the effective date hereof (which subsequent thereto, is damaged or destroyed by fire, collapse, explosion, or other cause and which is reconstructed, reestablished, or repaired), off street parking and loading facilities shall be provided which are equivalent to any maintained at the time that such damage or destruction is restored or continued in operation.

G. Required Submission Of Parking Site Plan: All development applications shall include a site plan drawn to a minimum scale of one inch equals fifty feet (1" = 50') which is fully dimensioned and shows any parking or loading facilities to be provided in compliance with this chapter. Such site plan shall be submitted to the city engineer for approval when the required off street parking is more than six (6) parking spaces and shall indicate ingress and egress to the area and traffic patterns in adjacent streets and alleys and appropriate landscaping.

H. Parking Area Improvements: The plan of the proposed parking area shall be submitted to the city engineer at the time of the application for the building permit for which the parking area is required. When new or additional parking area is to be established adjacent to an existing building, development plans shall be submitted to the city engineer prior to actual development. The plan shall indicate the proposed development including location, size, shape, design, curb cuts, lighting, landscaping, construction details and other features and appurtenances deemed necessary by the city engineer. Development plans require approval of the city engineer prior to parking area development. Any improvements in the right of way, including curb and gutter, sidewalk, driveway approaches or cuts in existing curbs, etc., shall require application for and issuance of a right of way approval from the city engineer prior to actual construction.

I. Joint Parking Facilities:

1. Off street parking facilities for different buildings, structures, uses, or for mixed uses may be provided collectively in any district in which separate parking facilities for each constituent use would be permitted; provided, that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use. The applicants shall present to the council properly drawn legal instruments to be recorded with the county recorder, executed by the parties involved in the proposed mixed use of off street parking facilities. Upon commission approval, such instrument must be filed with the planning and zoning department.

2. The council may authorize the mixed use of parking facilities for the following:

a. Up to fifty percent (50%) of the parking facilities required by this section for primarily "nighttime", i.e., theaters, bowling alleys, bars, restaurants and related uses, may be supplied by other types of buildings or uses herein referred to as "daytime", i.e., banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses;

b. Up to fifty percent (50%) of the parking facilities required by this section for primarily "daytime" uses may be supplied by primarily "nighttime" uses. (1974 Code § 4-1401)

9-13-2: USE OF PARKING FACILITIES AND PARKING REGULATIONS:

A. Off Street Parking: Off street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of vehicles used by occupants of the dwelling structures to which such facilities are accessory. Under no circumstances shall required parking facilities (which are accessory to residential structures) be used for the storage of commercial vehicles.

B. Parking And Storage Of Certain Vehicles: Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in a completely enclosed building or carport. However, one boat, one RV vehicle or travel trailer may be stored in the side or rear yard.

C. Vehicles, Commercial: The parking of vehicles at a commercial repair or body shop may extend beyond two (2) weeks if the vehicle repairs cannot be completed because of delays in receiving parts or insurance settlements, however, the number of vehicles parked outside at any one time shall not exceed ten (10) vehicles. (Ord. 946, 2-8-2010)

9-13-3: LOCATION OF OFF STREET PARKING:

A. Access: Each required off street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space and shall conform to the minimum standards as established by the city. All off street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

B. Residential Accessory Off Street Parking: Parking spaces accessory to dwellings shall be located on the same zoning lots as the use served.

C. Additional Off Street Parking For Narrow Public Or Private Streets: Whenever any developer is allowed by the planning and zoning commission to plat, map or construct a public or private trafficway without sufficient width for on street parking, the adjacent property shall provide, in addition to off street parking requirements of this chapter, off street parking equal to the amount of on street parking eliminated.

D. Commercial Accessory Off Street Parking: All required parking spaces shall be within three hundred feet (300') of the use served. However, no parking spaces accessory to a use in a commercial district shall be located in a residential district except that private, free, off street parking accessory to such uses as municipal parking lots may be allowed by conditional use permit in the residential districts and within two hundred feet (200') of and adjacent to any commercial district.

E. Parking In Setback Area: When abutting another commercial use, parking shall be permitted within the setback area. When abutting residential uses, parking shall not be permitted in the setback area.

F. Wheel Blocks: Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

G. Minimum Distance And Setbacks: No part of any parking area for more than ten (10) vehicles, excluding handicapped accessible parking areas and parking and loading areas for school buses, shall be closer than twenty feet (20') to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot unless separated by an acceptably designed screen. If on the same lot with a single-family dwelling, the parking area shall not be located within the front yard required for such building, unless subsection H1b of this section is complied with. In no case shall any part of a parking area be closer than four feet (4') to any established street or alley right of way.

H. Yard Requirements: Off street parking spaces in yards shall conform to the following:

1. Front Yards:

- a. No parking shall be permitted in a front yard unless it is as provided in subsection H1b of this section;
- b. Parking is allowed in a front yard on a private driveway serving one-family and two-family dwellings, if the driveway is concrete or asphalt parking pad and landscaped;
- c. Parking between the front line of any portion of the building and the street shall be limited to private passenger automobile (except as otherwise permitted);
- d. Concerning front yard parking for multi-family dwelling units, parking spaces shall be twenty five feet (25') in length.

2. Side Yards: Parking is not permitted in any side yard except in residential districts of R-4, R-6, R-16 and R-P.

3. Rear Yards: In any commercial district, when a rear yard is adjacent to a residential district, there shall be no parking in the four feet (4') adjacent thereto. (See screening requirements, subsection 9-13-4B of this chapter.)

I. Other Parking: Any other type of parking shall be prohibited. (1974 Code § 4-1403)

9-13-4: DESIGN STANDARDS FOR OFF STREET PARKING:

A. Size And Dimension: The size and design of off street parking shall be in accordance with the standards as shown in subsection F of this section.

B. Screening, Landscaping And Drainage:

1. Landscaping: Landscaping shall be required for all off street parking areas for multi-family residential, commercial, and industrial developments.

2. Sprinkler System: Underground sprinkling systems may be required to maintain screening, planting strips and other landscaping.

3. Landscaping Requirements: In addition to, and as part of, the landscaping requirements specified elsewhere in this title, the following landscaping shall be provided, retained and maintained on all properties in commercial or industrial districts and fronting gateway arterials:

- a. A landscaped strip at least ten feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk.
- b. Any continuous landscaped strip exceeding forty feet (40') in length shall contain a twelve inch (12") minimum height undulating berm.
- c. Each separate section of the landscaping strip shall contain trees or shrubs.
- d. Each landscaped strip shall be kept clean and free of noxious and other weeds.

4. Screening:

a. Whenever a commercial off street parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by a wall, fence, earth berm or planting screen that is not less than four feet (4') in height plus a planting strip of four feet (4') minimum width or in an alternate arrangement as approved by the commission.

b. Suitable landscaping and ground cover shall be provided and maintained on a continuing basis within the planting strip. Planting screens or hedges shall not exceed two feet (2') in height where location is such that sight lines are necessary for vehicular movement across pedestrianways.

c. At least one tree of not less than three inches (3") diameter size class shall be provided for every one thousand five hundred (1,500) square feet of pavement area.

5. Drainage: A drainage plan designed by an architect or an engineer shall be submitted and required for all off street parking areas and shall be approved by the city engineer.

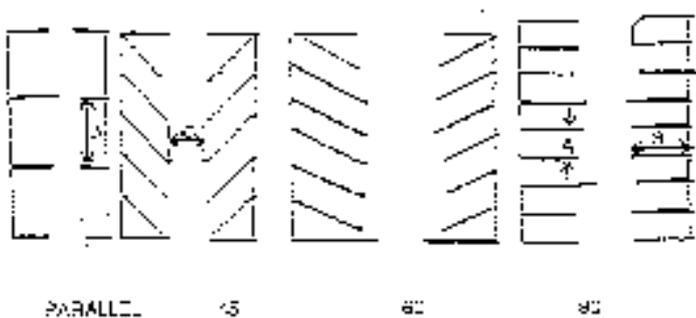
C. Lighting: The illumination of the parking lot shall be designed so that the light from lighting fixtures in the parking lot does not reflect direct rays or spill over into adjacent residential districts. All parking lot lighting arrangements shall be installed as approved by the city engineer. The following standards shall apply to all off street parking lots:

- 1. All lighting fixtures shall not be placed higher than thirty five feet (35') above the finished grade;
- 2. Fixtures shall be of the nonspill type and hooded to prevent glare;
- 3. Candlepower per fixture shall be in accordance with the standards established by the city; and
- 4. Minimum security lighting shall be provided from eleven o'clock (11:00) P.M. to sunrise as approved by the city engineer.

D. Paving: All open off street parking areas shall be paved in accordance with the specifications and standards established by the city.

E. Striping: Parking spaces shall be marked with striping which outlines each parking space and designates direction of traffic in access aisles to and from public rights of way. All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines six inches (6") both sides of center between stalls to facilitate the movement into and out of the parking stalls.

F. Off Street Parking Design And Dimensional Tables:



	45°	60°	90°	Parallel
Width of parking space	10 feet	9 feet	9 feet	9 feet
Length of parking space	15 feet	18 feet	19 feet	23 feet
Width of driveway aisle	13 feet	17 feet	25 feet	12 feet

G. Petition For Compact Space: Upon petition, parking spaces may be allowed to fulfill the above requirements which are classified as compact car parking spaces, and which are so properly designated and which have dimensions of seven and one-half feet (7¹/₂') in width and fifteen feet (15') in length.

H. ADA Requirements: The size and design of off street parking shall be in accordance with the standards as required by the Americans with disabilities act of July 26, 1990. (1974 Code § 4-1404)

9-13-5: SCHEDULE OF PARKING SPACE REQUIREMENTS:

A. Computation Of Parking Spaces: When the required number of off street parking spaces results in a fractional space, any fraction

of one-half ($\frac{1}{2}$) or less may be disregarded, while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one parking space.

B. Required Spaces: For the purpose of this title, the following parking space requirements shall apply:

Type Of Use	Parking Space Required
Type Of Use	Parking Space Required
RESIDENTIAL:	
Boarding house	1 for each sleeping room, plus 1 space for each employee
Dwelling, duplex	2 per dwelling unit on a single lot
Dwelling, single-family	2 per dwelling unit on a single lot
Hotel or motel	1 for each room, plus 1 for each 2 employees
Mobile home park	2 for each unit, plus 1 additional space for each block or 5 units or part thereof (1–5 units require 1 additional space, 6–10 units require 2 additional spaces, 11–15 units require 3 additional spaces)
Multi-family dwelling	2 for each unit, plus 1 additional space for each block or 5 units or part thereof (1–4 units require 1 additional space, 6–10 units require 2 additional space, 11–15 units require 3 additional spaces)
COMMERCIAL:	
Clinic (medical, dental, optical, veterinary, animal hospital or clinic)	1 for each 200 square feet of gross floor area of examination, treating room, office and waiting room
Department store	1 for each 400 square feet of gross floor area
Drive-in establishment	5 reserved spaces per customer service window
Financial institutions	1 for each 200 square feet of gross floor area
Mortuaries	1 for every 3 seats, plus 1 parking space for each funeral vehicle kept on the premises
Professional offices	1 for each 400 square feet of gross floor area
Retail stores	1 for each 200 square feet of gross floor area
Sales (auto, mobile homes, travel trailers, farm implements)	$\frac{1}{3}$ of the sales lot for designated customer parking
Service station	2 for each service bay
COMMUNITY SERVICE USES:	
Churches	1 for each 5 seats
Clubs and lodges	1 for each 300 square feet of floor area
Community centers, exhibition halls and other places of assembly	1 for each 300 square feet of floor area, plus spaces adequate in number as determined by the governing board to serve the public
Hospitals	3 for each bed
Libraries, art galleries and museums	1 for each 400 square feet of floor area
Public service utility	1 for each 600 square feet of floor area, plus 1 for each vehicle used in the conduct of the enterprise
Sanatoriums, nursing home, rest home and similar use	1 for each 5 beds
School and other institutional auditoriums	1 for each 4 auditorium seats with adequate spaces for buses in connection with the activity of the institution. All loading and unloading of passengers shall take place upon the premises
MANUFACTURING:	
All types of manufacturing, storage and wholesale uses permitted in any industrial district	1 for every 2 employees on the largest shift for which the building is designed, plus 1 for each motor vehicle used in the business
Warehouses and storage buildings	1 for each 1,000 square feet of floor area, plus 1 for each vehicle used in the conduct of the enterprise
RECREATION:	

Bowling alleys	4 for each alley or lane, plus 1 additional space for each 100 square feet of the area used for restaurant, cocktail lounge or similar use
Outdoor swimming pools, public or community club	1. 1 for each 5 persons' capacity, plus 1 for each 4 seats; 2. 1 for each 30 square feet of floor area used for seating purposes; or 3. The greater of the above 2 options
Restaurants, nightclubs, cocktail lounges, and taverns	1 for each 200 square feet of floor area
Skating rinks	1 for each 5 seats
SCHOOLS (PRIVATE OR PUBLIC):	
Elementary, intermediate, middle or junior high school	2 parking spaces for each classroom
High schools	10 parking spaces for each classroom, plus 1 for each 10 seats in an auditorium or gymnasium
Nursery school for children, daycare center and kindergarten	1 space for every 10 children, plus 1 space per staff member
INDUSTRIAL TYPES:	
Except as specifically mentioned herein, industrial uses listed as permitted in the industrial districts	1 per 500 square feet of gross floor area
Laboratories and research facilities	1 per 800 square feet of gross floor area
Machinery or equipment sales	1 per 1,000 square feet of gross floor area
Wholesale and storage operations	1 per 700 square feet of gross floor area
MIXED USES:	When 2 or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided; no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by variance as approved by the governing board
OTHER USES:	For uses not listed in this section, parking spaces shall be provided on the same basis as required for the most similar listed use or as determined by the governing board

(1974 Code § 4-1405)

9-13-6: OFF STREET LOADING REQUIREMENTS:

A. Design And Location: The design and location of entrances and exits for required off street loading areas shall be subject to review of the city engineer. Off street loading facilities shall not project into the public right of way or setback area. In no case shall the required off street loading berths be part of the area used to satisfy the off street parking requirements.

B. Access: Each off street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

C. Surfacing: All open off street loading berths shall be improved in accordance with the specifications and standards established by the city.

D. Maintenance: The owner of property used for loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

E. Drainage: All loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

F. Lighting: Any loading area which is intended to be used during nondaylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from the adjoining property. (1974 Code § 4-1406)

CHAPTER 14
SIGNS AND BILLBOARDS

SECTION:

9-14-1: Purpose

9-14-2: International Sign And Building Codes

9-14-3: Definitions

9-14-4: Prohibited Signs

9-14-5: Types Of Signs Allowed

9-14-6: Exempted Signs

9-14-7: Permits; Fees

9-14-8: Administration

9-14-9: City Held Harmless

9-14-10: Violation; Penalty

9-14-1: PURPOSE:

The purpose of this section is to establish standards for the fabrication, erection, and use of signs, symbols, markings, and advertising devices within the city. These standards are enacted to protect the public health, safety and welfare of persons within the community. They are intended to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the public. (Ord. 953, 12-12-2011)

9-14-2: INTERNATIONAL SIGN AND BUILDING CODES:

The sign code and building code as published by the International Conference Of Building Officials, shall be used as a guide concerning standards and regulations for all signs within the city, and one certified copy of the sign code and building code is on file with the city clerk-treasurer and one copy shall be kept and maintained in the office of the building inspector. (Ord. 953, 12-12-2011)

9-14-3: DEFINITIONS:

Words and phrases used in this chapter shall have the meanings set forth in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

ABANDONED SIGN: A sign, which no longer advertises a bona fide business, lessor, owner, product or activity.

ALTERATIONS: The change or alteration of a sign structure or design, whether by extension, enlargement, or in moving from one location or position to another.

ANIMATED SIGN: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

AREA OF SIGN/SIGN AREA: The area of all faces of a sign within a perimeter, which forms the outside shape, excluding any necessary supports upon which the sign may be placed. Where a sign consists of more than one face, section, or module, all areas shall be totaled.

BANNER: Any sign of lightweight fabric or similar material mounted to a pole or poles or building or buildings located outdoors.

BEACON: Any light with one or more beams directed at any point not on the same property as the light source; also, any light with one or more beams that rotate or move.

BUILDING FRONTAGE: The width of a building facing the street to which the building or business is oriented. In the case of corner lots, the frontage shall be one of the streets to which the building is oriented, to be determined by the building inspector.

CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the sign. A sign on which the message changes more than one time per day shall be considered an animated sign.

COMMUNITY OR CIVIC EVENT: A public event, which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader, or commercial goods or services.

COPY: Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof, which is intended to advertise, identify, or notify.

FLAG: Any fabric banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

FREESTANDING SIGN: Any sign erected on a freestanding frame, platform, base, mast, or pole or poles and not structurally attached to any building.

HANGING SIGN: A sign attached below an awning, colonnade or some other permanent part of a structure.

HEIGHT OF SIGN: The vertical distance measured from the ground plane to the top of the sign, including the air space between the ground and the sign.

INDIRECT ILLUMINATION: A source of light separate from the sign itself.

MARQUEE SIGN: Any sign attached to or made part of any permanent rooflike structure projecting beyond a building, generally designed and constructed to provide protection from the weather.

MOBILE SIGN: Any sign that is mounted on wheels, a trailer or similar movable platform.

MONUMENT SIGN: A freestanding sign that stands directly on the ground or ground level foundation.

NEON SIGN: Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas, or light emitting diode (LED), liquid crystal display (LCD), plasma and/or similar illumination technologies.

NONCONFORMING SIGN: Any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this section, and which fails to comply with any applicable regulations and restrictions herein.

PENNANT: Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

PORTABLE SIGN: Any sign not permanently attached to the ground or to a building, and designed to be easily relocated (e.g., "sandwich board" signs).

PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than nine inches (9") beyond the surface of a building or wall.

SHORT TERM SIGN: Short term signs are those signs installed on a property with the intent of being displayed for more than seventy two (72) hours and may not be displayed longer than six (6) weeks.

SIGN: Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, ornament, or other features used to draw the attention of others.

SIGN FACE: That portion of the sign structure that carries a message and/or a graphic.

TEMPORARY SIGN: A sign installed on a property for seventy two (72) hours or less.

WALL SIGN: Any sign attached parallel to, but within nine inches (9") of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN: Any sign installed upon or within three feet (3') of a window on either side for viewing from outside the premises. This term does not include merchandise displayed. (Ord. 953, 12-12-2011)

9-14-4: PROHIBITED SIGNS:

The following types of signs are expressly prohibited in all use districts, except as otherwise provided by this chapter:

A. **Public Right Of Way:** Signs which are placed in any public right of way, except publicly owned signs, traffic control signals, directional signs, and signs which direct and guide traffic and parking on private property but bear no advertising matter and signs which are allowed by permit granted by the public agency owning land right of way.

B. **Signs Creating Traffic Hazards:** A sign at or near any public street or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location, which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.

C. **Lighted:** Flashing lights or strobe lights of any color. Message center signs shall not be considered as flashing.

D. **Bright Or Reflective Paint:** No "Day-Glo", fluorescent, reflective colored material that gives the appearance of changing color, or brilliant luminescent colors.

E. **Signs On Vacant Property:** No sign over four (4) square feet per face, except freestanding signs advertising the property "For Sale" or "For Lease Or Rent" on properties or subdivisions.

F. **Roof Signs:** Any sign either erected in a manner so that it projects partially or wholly over any roof or is mounted to any roof. This section shall not pertain to mansard roof signs if the highest portion of any sign attached to a mansard roof is no more than one-half ($\frac{1}{2}$) the height of the building to which it is attached.

G. **Bench Signs:** Any outdoor furniture with commercial signage.

H. **Vehicle Signs:** Signs mounted on the roof or antenna of automobiles, with the exception of student driver and auto transportation services, or those painted on vehicles parked and visible from the public right of way, unless said vehicle is licensed, registered and used as a vehicle in the normal day to day operations of the business.

I. **Hazardous Or Unsafe Signs:** Any sign that, in the opinion of the building inspector, engineer or traffic officer, creates a hazard to vehicular or pedestrian traffic or a hazard to the public in general.

J. **Electronic Interference Prohibited:** No sign transformer or other mechanical or electrical device used in connection with sign or outline wiring shall be permitted to operate if such device interferes with electronic reception; if such device cannot be silenced with condensers or otherwise, they shall be disconnected.

K. **Abandoned Or Unsightly Signs:** Signs located on property which becomes vacant and unoccupied for a period of six (6) months or more. Any sign remaining thirty (30) days or longer which pertains to a time, event or purpose which no longer applies, or any sign which is weak, unsafe or constructed of broken, unsightly, inferior or old, worn materials. (Ord. 953, 12-12-2011)

9-14-5: TYPES OF SIGNS ALLOWED:

A. **Setback Requirements:** All signs shall meet minimum setback requirements for the district in which said sign is placed.

B. **Items Placed On Public Right Of Way:** Notwithstanding any other provision of this chapter, a property owner, tenant, lessee or lawful occupant of property in commercial or industrial districts may locate items for display related to their specific business in a public right of way upon the issuance of a signed permit by the city. Application for a special permit for that purpose shall be made to the city clerk-treasurer. The application shall include: 1) a description of the specific items for display, 2) their location in the right of way, 3) the length of time proposed for such display, and 4) shall warrant that the display will not materially obstruct any pedestrian or vehicular way within said right of way. Application for this special permit shall be subject to amendment and approval by the city council. This special permit shall be subject to cancellation without notice or hearing if the application contains any false or misleading information or the items for display interfere with pedestrian or vehicle traffic.

C. **Types Of Signs:**

1. **Wall:** Wall signs may be placed on a structure if they meet the standards and requirements of this section.

2. Hanging: Hanging signs may be placed on a building or underneath an approved canopy, awning or colonnade, but may not project beyond the same. Signs hanging over a public right of way must have at least eight feet (8') of ground clearance and be installed and maintained in secure and safe order.

3. Projecting: No projecting sign may extend, at any point, more than four feet (4') from the surface to which it is attached. Signs projecting over a public right of way must have at least eight feet (8') of ground clearance and be installed and maintained in a secure and safe order.

4. Freestanding:

a. Freestanding signs shall be located within the property line and only one freestanding sign per principal building will be allowed or two (2) for corner properties or frontages of one hundred eighty feet (180') or more.

b. Height of freestanding signs will not exceed ten feet (10') above the highest structural point of the building.

c. Subdivisions over twenty (20) lots shall be allowed one freestanding identification sign at each major entrance to the subdivision. On those below twenty (20) lots, limit is one freestanding sign. These signs will not exceed a total of sixty four (64) square feet, or thirty two (32) square feet per side. Signs will not be permitted on any public right of way, shall be no higher than eight feet (8') above the natural grade.

5. Portable:

a. Portable signs are limited to nine (9) square feet per side, limited to three feet (3') in height and limited to two (2) sides.

b. Portable signs shall be weighted or anchored in some manner to prevent them from being moved or blown over by the wind.

c. Portable signs may not be located to obstruct pedestrian or vehicular traffic, or visibility for vehicles at intersections.

d. Portable signs in the public right of way shall be displayed only during the associated business' hours of operation (they shall be removed after hours).

6. Awning: The copy area of awnings shall be included in the sign area permitted if no more than twenty five percent (25%) per side of the awning is used for signage.

7. Window: Permanent window signs may be placed in or on any window if no more than fifty percent (50%) of the total transparent area of the window is obscured.

8. Mobile Signs And Inflatable Signs Or Displays: Any signs on wheels or an inflatable object used for promotional or sign purposes shall be allowed as temporary signs installed for seventy two (72) hours or less.

9. Changeable Copy Signs: Changeable copy signs shall be maintained in a legible and serviceable manner.

10. Electronic Message Sign: A permanent sign, which changes copy electronically more than once per day using switches and electric lamps, is permitted in all zones except R-1 through R-16 and R-P.

a. Based on brightness measured in nit (an illuminative brightness measurement equivalent to 1 candle/square meter measured perpendicular to the rays of the source); automated and/or electronic signs that utilize light to change frames shall contain an auto dimmer allowing for no more than five thousand two hundred (5,200) nit illumination between sunset and sunrise.

b. All automated and/or electronic signs that utilize light to create change may change frame content through dissolve, fade, or scroll features only. No sign shall be operated in a manner which the sign, sign structure, design or pictorial segment of the sign shows full animation, growing, flashing, rotating content, or otherwise create an illusion of movement.

c. All automated and/or electronic signs shall change frame content not more than every four (4) seconds.

d. Automated and/or electronic signs shall be allowed in either freestanding or monument signs. The automated sign portion of any sign should be constructed into the sign in a manner in which it is subordinate to the overall design of the sign. The automated sign portion of any sign shall not exceed fifty percent (50%) of the face of the sign.

D. Size Of Signs:

1. Maximum aggregate area of all signs, both permanent and short term, shall not exceed the total allowable sign area established by this chapter. All sign faces displayed shall be included in determining the sign area for a building.

a. Total signage allowance per building will not exceed a total of three (3) square feet of sign area per linear foot of building frontage for the principal building. In addition, in no case will any total sign area for any use, occupancy or development exceed two hundred (200) square feet. Internally lighted signs shall not exceed a total of one hundred (100) square feet.

b. Total sign area permitted for all wall, window, or other surface mounted signs shall not exceed, in total, ten percent (10%) of the facade to which they are attached.

E. Lighting Of Signs: Allowed methods of illumination are divided into the types described below. All other forms of sign lighting are prohibited. All lighted signs shall comply with the city lighting standards as set forth in various sections of this code.

1. Lighting Allowed:

a. Unlighted: A sign with neither an internal light nor an external source intended specifically for lighting the sign.

b. Internally Lighted: A sign with an internal light intended to illuminate translucent portions of the sign.

c. Externally Lighted: A sign with an external light source intended specifically to illuminate the sign.

2. Neon Signs: Neon used to draw attention to any business or building in any manner is considered a sign and shall be regulated according to the provisions of this chapter. A maximum of four (4) neon signs per business shall be allowed. (Ord. 953, 12-12-2011)

9-14-6: EXEMPTED SIGNS:

The provisions of this chapter shall apply to all signs erected in the city, except for the following which shall be exempt in accordance with the following provisions:

A. Legal Notices: Posting of legal notices by public officers.

B. Directional Or Instructional Signs: Direction or instructional signs which do not advertise a business, but which identify restrooms, public telephones, walkways or signs providing direction such as parking lot entrance and exit signs and those of similar nature. Neon open or closed signs are subject to the provisions of section 9-14-5 of this chapter.

C. Governmental Signs: Governmental signs for traffic control, for direction to public facilities, or for regulatory notice, warning or other public purposes.

D. Holiday Decorations: Holiday decorations and signs of a decorative nature or signs and decoration for a civic or community event. These types of decorations and signs shall be allowed as short term signage.

E. Flags, Symbols, Or Insignias: Flags of recognized governments or of United States government military units, or any other flag adopted or sanctioned by the legislative body of Idaho or the United States may be displayed providing the flag is no larger than sixty (60) square feet and is flown from a pole the top of which is no higher than forty feet (40').

F. Temporary Signs: Temporary signs (displayed 72 hours or less).

G. Political Signs: Political signs advertising candidates or issues may be erected during an election campaign. Such signs shall conform to the requirements of the state. (Ord. 953, 12-12-2011)

9-14-7: PERMITS; FEES:

A. Permits Required: Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, move, construct, alter or enlarge any sign without first obtaining a sign permit. In addition, electrical permits shall be obtained for electrical signs.

1. A permit shall not be required for sign maintenance.

2. Authorized work under a sign permit shall be completed within one hundred eighty (180) days after date of issuance.

B. Short Term Signs And Banners: Persons wishing to place short term signs or banners across streets, highways, sidewalks or alleys of the City shall first obtain a permit from the City Clerk-Treasurer's Office prior to the placement of such sign or banner. Such sign or banners shall be timely removed following the time allowed in such permit for the sign or banner to be on display.

C. Application For Permit: Application for a sign permit shall be made upon forms furnished by the building inspector and shall be accompanied by such information as may be required to ensure compliance with all appropriate laws and regulations for the City.

D. Fees: All fees for permitted signs by this Code shall be as outlined in the fee schedule of the Building Code as adopted or modified by the Buhl City Council. (Ord. 953, 12-12-2011)

9-14-8: ADMINISTRATION:

A. Inspection And Maintenance: The building inspector and his/her duly authorized representatives are authorized and directed to enforce all the provisions of this chapter.

B. Maintenance: It is the affirmative obligation of the owner of every sign within the City to maintain the sign in a good state of repair at all times. Nonconforming signs may be repaired and maintained provided the repairs are for maintaining the sign in its original condition, do not increase the degree of nonconformity in the sign, and are in accordance with this chapter.

C. Computations Of Dimensions For Sign Area: The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the sign display, together with any color or material forming an integral part of the sign. (Ord. 953, 12-12-2011)

D. Violations: Any person erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting or demolishing, equipping, using or maintaining any sign or sign structure in the City of Buhl, or causing or permitting the same to be done, contrary to or in violation of any of the provisions of this chapter shall be subject to penalty as provided in section 9-14-10 of this chapter. (Ord. 991, 10-11-2018)

E. Notice To Comply: Upon finding that any sign is in violation of any of the provisions of this chapter or endangers public safety, enforcement officers may declare the sign illegal. The building inspector shall provide the owner written notice that the sign has been declared unlawful, specifying the reasons why the sign is unlawful and ordering that the sign be repaired, modified or removed within thirty (30) calendar days of said notice.

F. Nonconforming Signs: Nonconforming signs shall not be transferred to a new tenant or occupant of the premises on which the sign is erected, but shall be removed within thirty (30) days of the termination of the tenancy to which it applies. Any nonconforming signs damaged to the extent of more than thirty three percent (33%) of the sign's replacement value shall not be repaired or restored.

G. Appeals: The City Council shall hear and decide appeals from any decision, requirement or interpretation made by the building inspector, or his/her duly authorized representatives, in the enforcement of this chapter. Such appeals must be made within thirty (30) days from the date of such action. (Ord. 953, 12-12-2011)

9-14-9: CITY HELD HARMLESS:

All persons, firms or corporations erecting, using, and maintaining signs or billboards shall save the City of Buhl harmless from all damage arising from the erection, use, and maintenance of the same. (Ord. 953, 12-12-2011)

9-14-10: VIOLATION; PENALTY:

Any person, firm or corporation who shall violate any of the provisions of this chapter or fail to obtain a permit before any act is done for which permit is required shall be deemed guilty of an infraction, and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this Code. (Ord. 991, 10-11-2018)

FENCES AND WALLS

SECTION:

9-15-1: Regulations

9-15-2: Residential District Requirements

9-15-3: Provisions For Public Right Of Way

9-15-4: Height Restrictions

9-15-1: REGULATIONS:

Fences are permitted accessory uses in all districts and shall be regulated by the city building inspector. The following regulations shall govern the type, location, and construction of all fences. When a fence is erected not in conjunction with a building permit for a principal use or building, a separate permit is required.

A. Electric Fences And Barbed Wire Fences: Electric fences and barbed wire fences are prohibited within the city except in those instances where it can be demonstrated to the building inspector that such use is solely for the containment of animals kept in compliance with city animal control regulations and the fence is not located on the public right of way. The building inspector shall have authority to revoke authorization for an electric fence or barbed wire fence upon declaration of a finding by him that such fence would be detrimental to public health, safety or welfare, or would be potentially injurious to persons, properties or improvements in the vicinity.

B. Barbed Wire In Commercial And Industrial Districts: Barbed wire may be permitted in commercial and industrial districts only when used as the top section for security fences and shall be a minimum of seventy two inches (72") above grade to the bottom wire.

C. Access To Utility Meter; Fire Hydrant: Any existing fence or fence to be constructed which restricts access to any utility meter shall provide a way of access through the fence by hand gate. In addition, no fence shall be constructed within thirty six inches (36") of a fire hydrant.

D. Open Vision Fences: Open vision fences may be built to the property line in commercial and industrial districts.

E. Walls, Latticework And Screens: For the purposes of this chapter, walls, latticework, and screens shall be considered to be fences and shall be built and maintained in compliance with the provisions of this chapter.

F. Use Of Unsightly Materials: The use of boxes, sheet metal, old or decayed wood, broken masonry blocks, or other like unsightly materials for fencing shall be prohibited. (1974 Code § 4-1601)

9-15-2: RESIDENTIAL DISTRICT REQUIREMENTS:

Fences may be erected in all residential districts subject to the following:

A. Solid or closed vision fences to a height of thirty six inches (36"), or open vision type fences to a height of forty eight inches (48") may be built from the front of the dwelling unit to and including the front property line. Fences to a height of seventy two inches (72") may be built from the front of the dwelling unit to and including the rear property line;

B. Any open vision fence, wall, or planting on or within the clear vision triangle shall be limited to thirty six inches (36") in height measured from the crown of the street; and

C. Solid or closed nonvision fences to a height of thirty six inches (36") or open vision type fences to a height of forty eight inches (48") may be built along the front property line and along the side property line to the front of the dwelling unit, except that a fence of seventy two inches (72") in height may be built upon street and side property lines from the front of the dwelling to the rear property line; provided, that no closed nonvision fence which exceeds thirty six inches (36") in height may be erected in the clear vision triangle.

D. When fences greater than six feet (6') are proposed, the applicant for the fence building permit shall submit the request for permit to the planning and zoning commission for design review.

E. Any developer intending to construct a boundary fence on the boundaries of a proposed subdivision shall show the fence on the preliminary plat and shall include with the preliminary plat the design, placement, height, specifications and drawings of said fence. (1974 Code § 4-1602)

9-15-3: PROVISIONS FOR PUBLIC RIGHT OF WAY:

The policy for the permission to and the conditions and restriction imposed by the permission to construct and erect fences within the public right of way is hereby established as follows:

A. Sidewalk Or Walkway: Where a sidewalk five (5) or more feet wide exists, an applicant may construct a fence immediately adjacent to the sidewalk on the dwelling side. When a sidewalk does not exist, the applicant must provide a reasonably level walkway not less than five feet six inches (5'6") wide if adjacent to a collector or arterial street, or four feet six inches (4'6") wide if adjacent to a local street, measured from the back of the curb or curb line;

B. Design: The design of the fence shall receive prior approval by the city building inspector and must be built in compliance with such prior approval and in accordance with plans and specifications submitted;

C. Height: Fences shall not exceed four feet (4') in height in the front setback area or six feet (6') in height elsewhere on property to be fenced and shall otherwise comply with this title; (1974 Code § 4-1603)

D. Compliance With Building Code: Regardless of the type of material used, fences shall be built of materials meeting building code requirements for structural stability, fire resistance, and safety; (1974 Code § 4-1603; amd. 2010 Code)

E. Removal Required: Fences and all appurtenant structures or footings constructed on easements or public rights of way shall be removed at the expense of the property owner within thirty (30) days after proper notification by the city building inspector;

F. Work Between Fence And Curb Or Street: All work (i.e., grading, seeding, or paving between the proposed fence to be erected on

public property and the curb or street travelway) shall be at the expense of the property owner and in accordance with the requirements and specifications of the city;

G. Building Permits Required: If the city building inspector approves the application, the applicant must obtain a building permit from the city, Buhl highway district or state DOT as applicable before commencing the construction or erection of said fence;

H. Revocation: With or without notice, the license, privilege and permission to construct and erect a fence upon and within a public right of way is subject to revocation at the will of the city or owner of said right of way, and any expense incurred by the applicant in the construction and erection of a fence within the public right of way shall be done at the applicant's own expense and risk; and

I. Agreement: The applicant will, upon the approval of the city building inspector of the right, privilege and permission to so construct and erect a fence, execute an agreement that the applicant shall acquire no property or contractual right in and to such public right of way, that the applicant will reimburse the city for any damage to the city and third parties, and such other provisions as the city may request. Whenever the city, Buhl highway district, or state DOT, deems it necessary as a proper police measure to vacate and revoke such fence permit, the applicant has no alternative but to comply with the order of revocation.

J. Illustration Of Fence Regulations: For an illustration of fence regulations, see appendix attached to the zoning ordinance on file in the office of the city clerk-treasurer. (1974 Code § 4-1603)

9-15-4: HEIGHT RESTRICTIONS:

Subject to the other restrictions contained in this chapter, the maximum fence heights in each zoning district shall be as follows:

Zone	Height
Residential	6.0 feet
Commercial	6.0 feet
Industrial	8.0 feet

However, in all cases in subsection 9-15-2D of this chapter, where a fence greater than six feet (6') is proposed, the applicant for the fence building permit shall submit the request for permit to the planning and zoning commission for design review. (1974 Code § 4-1604)

CHAPTER 16

ZONING AMENDMENTS

SECTION:

9-16-1: Authority To Amend

9-16-2: Initiation Of Zoning Amendments

9-16-3: Amendment Application, Contents

9-16-4: General Procedures For Amendments

9-16-5: Public Hearing

9-16-6: Action By Commission And Council

9-16-7: Effect Of Amendment Approved

9-16-8: Resubmission Of Application

9-16-9: Zone Boundary Change; Publication Of Notice

9-16-10: Development Agreement

9-16-1: AUTHORITY TO AMEND:

Whenever the public necessitates, the council may, by ordinance, after receipt of recommendation thereon from the commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property as well as the regulations and provisions of this title. Zoning amendments may consist of title or map revisions. (1974 Code § 4-1701)

9-16-2: INITIATION OF ZONING AMENDMENTS:

Amendments to this title may be initiated in one of the following ways:

A. By adoption of a motion by the commission.

B. By adoption of a motion by the council.

C. By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be changed or affected by said amendment. (1974 Code § 4-1702)

9-16-3: AMENDMENT APPLICATION, CONTENTS:

Applications for amendments to the official zoning map adopted as part of this title shall be provided by the planning and zoning clerk and shall contain at least the following information:

A. Name, address and phone number of applicant.

B. Proposed amending ordinance, approved as to form by the council.

C. Legal description of property.

D. Present land use.

E. Present zoning district.

F. Proposed use.

G. Proposed zoning district.

H. A vicinity map at a scale approved by the planning and zoning clerk showing the property lines, thoroughfares, existing and proposed zoning and such other items as the planning and zoning clerk may require.

I. A list of all property owners and their mailing addresses from authentic tax records of Twin Falls County, who are within three hundred feet (300') of the external boundaries of the land being considered.

J. A statement on how the proposed amendment relates to the comprehensive plan, availability of public facilities and compatibility with the surrounding area.

K. A fee as established by the council. (1974 Code § 4-1703)

9-16-4: GENERAL PROCEDURES FOR AMENDMENTS:

A. Zoning Districts: Zoning districts shall be amended in the following manner:

1. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;

2. If the request is in accordance with the comprehensive plan, the commission may recommend and the council may adopt or reject the title amendment under the notice and hearing procedures as herein provided; and

3. If the request is not in accordance with the comprehensive plan, the request shall be submitted to the commission or, in its absence, to the council, which shall recommend and the council may adopt or reject an amendment to the comprehensive plan under the notice and hearing procedures provided in Idaho Code section 67-6509. After a comprehensive plan has been amended, this title may then be amended as hereinafter provided for. (1974 Code § 4-1704)

9-16-5: PUBLIC HEARING:

The commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of title or map revisions.

A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of this city. Following the commission hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

B. Zoning Map Amendment: The commission, prior to recommending a zoning map amendment that is in accordance with the comprehensive plan to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Additional notice shall be provided by mail by the planning and zoning clerk to property owners and residents within the land being considered, within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission.

C. Notice: When notice is required to two hundred (200) or more property owners or residents, notice of said proposed change and the hearing thereon shall be published in the official newspaper or paper of general circulation within the jurisdiction for three (3) consecutive weeks with at least one of said publications being fifteen (15) days prior to the date set for hearing on the proposed change and for which said notice is given.

D. Simultaneous Passage: When required, both amendments may be handled simultaneously. (1974 Code § 4-1705)

9-16-6: ACTION BY COMMISSION AND COUNCIL:

A. Recommendation By Commission: Within forty five (45) days from the receipt of the proposed amendment, the commission shall transmit its recommendation to the council. The commission may recommend the amendment be granted as requested, or it may recommend the amendment or modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with the comprehensive plan and established goals and objectives.

B. Action By Council:

1. The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission, shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if the council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

2. The council shall accept the recommendation of the commission report unless rejected by a vote of one-half ($\frac{1}{2}$) plus one of the council members.

3. Upon granting or denying an application to amend this title, the council shall specify:

a. The regulations and standards used in evaluating the application;

b. The reason for approval or denial;

c. The actions, if any, that the applicant could take to obtain an amendment. (1974 Code § 4-1706)

9-16-7: EFFECT OF AMENDMENT APPROVED:

In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance. (1974 Code § 4-1707)

9-16-8: RESUBMISSION OF APPLICATION:

No application for reclassification of any property which has been denied by the council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one year from the date of such final action; unless there is an amendment in a comprehensive plan which resulted from a change in conditions as applying to the specific property under consideration. (1974 Code § 4-1708)

9-16-9: ZONE BOUNDARY CHANGE; PUBLICATION OF NOTICE:

Whenever a zoning district boundary change is contemplated by the city, notice of said proposed zoning district boundary change and the hearing thereon shall be by publication in the official newspaper once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing on the proposed zoning district boundary change and for which said notice is given. (1974 Code § 4-1709)

9-16-10: DEVELOPMENT AGREEMENT:

If property is rezoned, the city may require or permit, as a condition of the rezoning, that an owner or developer make a written commitment concerning the use or development of the subject property. If a commitment is required or permitted, it shall be recorded in the office of the Twin Falls County recorder and shall take effect upon the adoption of the ordinance rezoning the property, or prior if agreed to by the owner of the parcel. Unless the commitment is modified or terminated by the city council, the commitment shall be binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the property even if it is unrecorded; however, an unrecorded commitment is binding on subsequent owners and each other person acquiring an interest in the property only if the subsequent owner and each other person acquiring an interest in the property has actual notice of the commitment. The city council is hereby authorized to adopt, by resolution, rules governing the creation, form of recording, modification, enforcement and termination of commitments. The recording of the agreement shall be deemed notice of the terms of the agreement to all subsequent owners. (1974 Code § 4-1710)

CHAPTER 17
ANNEXATION AND ZONING UPON ANNEXATION

SECTION:

9-17-1: Annexation And Zoning

9-17-2: Application For Annexation And Zoning Fee

9-17-1: ANNEXATION AND ZONING:

The city hereby adopts, by reference, as if set forth fully herein, Idaho Code sections 50-222 through 50-233 and all of Idaho Code title 67, chapter 65, as the rules and procedures for the annexation and zoning of new lands to the city. (Ord. 927, 3-12-2007)

9-17-2: APPLICATION FOR ANNEXATION AND ZONING FEE:

An application for annexation and zoning shall be on a form established by the planning and zoning commission. Payment of such fees as are established by the city council must be paid with said application. (Ord. 927, 3-12-2007)

CHAPTER 18
CONDITIONAL USE

SECTION:

9-18-1: Definition

9-18-2: Authority To Grant

9-18-3: Application

9-18-4: Standards Applicable To All Conditional Uses

9-18-5: Conditions And Safeguards

9-18-6: Public Hearing

9-18-7: Action By Commission

9-18-8: Notification To Applicant

9-18-9: Appeal To Governing Board

9-18-10: Transfer

9-18-11: Review By Governing Board And/Or Revocation

9-18-1: DEFINITION:

A "conditional use" is a use otherwise prohibited by the terms of this title in a given district, but which may be allowed with conditions under specific provisions of this title and when not in conflict with the city comprehensive plan. (1974 Code § 4-1901)

9-18-2: AUTHORITY TO GRANT:

The commission may authorize, in special cases, a conditional use permit, subject, however, to the minimum conditions and

requirements of the zoning district in which they are located and subject to additional conditions and requirements necessary to protect the best interests of affected persons and the city as a whole. (1974 Code § 4-1902)

9-18-3: APPLICATION:

An application for conditional use permit shall be filed with the planning and zoning clerk by at least one owner or lessee of property for which such conditional use is proposed or for which an expansion of more than twenty five percent (25%) over the original square footage approved through the conditional use permit process or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, or relocation of an existing conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant;
- B. Legal description of property;
- C. Description of existing use;
- D. Zoning district;
- E. Description of proposed conditional use;

F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed conditional use meets the intent and requirements of this title;

G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan. (1974 Code § 4-1903)

9-18-4: STANDARDS APPLICABLE TO ALL CONDITIONAL USES:

The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

- A. In fact, constitute a conditional use as established by zoning requirements for the district involved;
- B. Be harmonious with and in accordance with the comprehensive plan and/or zoning regulations;
- C. Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Not be hazardous or disturbing to existing or future neighboring uses;
- E. Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer or that the person responsible for the establishment of proposed conditional use shall be able to provide adequately any such services;
- F. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- H. Have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets; and
- I. Not result in the destruction, loss or damage of a natural or scenic feature of major importance. (1974 Code § 4-1904)

9-18-5: CONDITIONS AND SAFEGUARDS:

In granting any conditional use, the commission may prescribe conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds, or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this title. (1974 Code § 4-1905)

9-18-6: PUBLIC HEARING:

Upon receipt of the application for a conditional use permit, the commission shall hold a public hearing, publish notice in the official newspaper and give written notice to all parties as required for variance permits. (1974 Code § 4-1906; amd. 2010 Code)

9-18-7: ACTION BY COMMISSION:

A. Issuance: Within forty five (45) days after the public hearing, the commission shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the planning and zoning clerk to issue a conditional use permit listing the specific conditions specified by the commission for approval.

B. Conditions Attached: Upon granting of a conditional use permit, conditions may be attached to a conditional use permit, including, but not limited to:

- 1. Minimizing adverse impact on other developments;
- 2. Controlling the sequence and timing of developments;
- 3. Controlling the duration of development;
- 4. Assuring that development is maintained properly;
- 5. Designating the exact location and nature of development;
- 6. Requiring the provision for on site or off site public facilities or services;
- 7. Requiring more restrictive standards than those generally required in this title.

C. Request Studies: Prior to granting a conditional use permit, the commission may request studies from the planning and zoning staff or public agencies concerning social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits.

D. Specifications By Commission: Upon granting or denying an application the commission shall specify:

1. The regulations and standards used in evaluating the application;
2. The reasons for approval or denial;
3. The actions, if any, that the applicant can take to obtain a permit. (1974 Code § 4-1907)

9-18-8: NOTIFICATION TO APPLICANT:

Within ten (10) days after a decision has been rendered, the planning and zoning clerk shall provide the applicant with written notice of the action on the request. (1974 Code § 4-1908)

9-18-9: APPEAL TO GOVERNING BOARD:

A. Right Of Appeal: The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the governing board, provided a written appeal is submitted to the governing board within fifteen (15) days from the commission's action.

B. Hearing: Upon receipt of an appeal from the action of the commission, the governing board shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. (Ord. 929, 5-14-2007)

9-18-10: TRANSFER:

A conditional use permit is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the conditional use permit continue to be met as follows:

A. Not Established For One Year: Conditional uses which have not been established within one year of the date of issuance of the conditional use permit, may be reviewed by the commission to determine if the facts and circumstances have changed; the commission may call for a new conditional use permit application.

B. Discontinued For One Year: A conditional use which has been discontinued for a period of one year shall not be reestablished without a new conditional use permit. (1974 Code § 4-1910)

9-18-11: REVIEW BY GOVERNING BOARD AND/OR REVOCATION:

All conditional use permits or variances approved by the commission are subject to review by the governing board. If the governing board decides to revoke a conditional use or variance, either on its own objection or upon complaint of an interested or affected person, the governing board shall notify the permit holder of its intention to revoke the permit and provide the permit holder with the opportunity to contest the revocation. If the permit holder contests the revocation of the permit by delivering to the planning and zoning clerk a letter of contest, the governing board shall hold a hearing on the revocation. Fifteen (15) days' prior notice of the hearing shall be given to the permit holder and all property owners within three hundred feet (300') of the boundaries of the land which was issued the permit. The governing board shall make findings of fact and conclusions of law supporting its decision to revoke the permit. If the governing board does not decide to revoke the permit, no findings of fact and conclusions of law shall be made. An aggrieved permit holder or complainant may, within twenty eight (28) days, appeal the decision of the governing board under the administrative procedures act of the state of Idaho, Idaho Code sections 07-5270 through 67-5278. (Ord. 929, 5-14-2007)

CHAPTER 19

VARIANCES

SECTION:

9-19-1: Definition

9-19-2: Authority To Grant

9-19-3: Application

9-19-4: Supplementary Conditions And Safeguards

9-19-5: Public Hearing

9-19-6: Action By Commission

9-19-7: Appeal Of Commission Action

9-19-8: Appeal To Governing Board

9-19-9: Variance Issued

9-19-10: Review By Governing Board

9-19-1: DEFINITION:

A "variance" is a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots or the size of lots and public ways. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and the variance is not in conflict with the public interest. (1974 Code § 4-2001)

9-19-2: AUTHORITY TO GRANT:

The commission may authorize, in specific cases, such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district, and not permitted or nonconforming use of lands, structures or buildings in other districts, shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship or the loss of a building or site that is on a national, state or local register of historic places or sites. (1974 Code § 4-2002)

9-19-3: APPLICATION:

A variance from the terms of this title shall not be granted by the commission unless and until a written application for a variance is submitted to the planning and zoning clerk and the commission containing:

- A. Name, address and phone number of applicant;
- B. Legal description of property;
- C. Description of nature of variance requested;
- D. A narrative statement and documentation demonstrating that the building or site is on a national, state or local register of historic places or sites or that the requested variance conforms to all the following standards, that:
 - 1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - 2. A literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
 - 3. Special conditions and circumstances did not result from the actions of applicant;
 - 4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
- E. A variance shall not be granted unless the commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant. (1974 Code § 4-2003)

9-19-4: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

Under no circumstances shall the commission grant a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district. In granting the variance, the commission may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title. (1974 Code § 4-2004)

9-19-5: PUBLIC HEARING:

A. Required; Notice: The commission, prior to granting a variance permit, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the variance shall be published in the official newspaper or paper of general circulation within the jurisdiction of the city. Additional notice shall be provided by mail by the planning and zoning clerk to property owners and residents within the land being considered, within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission.

B. Two Hundred Or More Property Owners Or Residents, Notice: When notice is required to two hundred (200) or more property owners or residents, notice of said proposed change and hearing thereon shall be published in the official newspaper once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing on the proposed change and for which said notice is given. (1974 Code § 4-2005)

9-19-6: ACTION BY COMMISSION:

A. Action: Within forty five (45) days after the public hearing, the commission shall either approve, conditionally approve, or disapprove the request for a variance.

B. Specifications By Commission: Upon granting or denying application, the commission shall specify:

- 1. The regulations and standards used in evaluating the application;
- 2. The reason for approval or denial;
- 3. The actions, if any, that the applicant could take to obtain the variance. (1974 Code § 4-2006)

9-19-7: APPEAL OF COMMISSION ACTION:

The applicant or any affected person may appeal the decision of the commission to the governing board, provided a written appeal is submitted to the governing board within fifteen (15) days from the commission's decision. (Ord. 929, 5-14-2007)

9-19-8: APPEAL TO GOVERNING BOARD:

Upon receipt of an appeal from the action of the commission, the governing board shall set a hearing date under the same provisions as the commission hearing to consider all information, testimony and commission minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision. (Ord. 929, 5-14-2007)

9-19-9: VARIANCE ISSUED:

A variance shall be issued, in writing, and shall contain the names of the owners of the property, the legal description of the property, describe the variance granted, state whether the variance runs with the land or terminates on sale or some particular date, and any other information the governing board feels is pertinent. It shall be signed by the owners and the governing board before a notary public and be recorded with the Twin Falls County recorder at the owner's expense. The planning and zoning clerk shall maintain a record and index of all variances issued. (Ord. 929, 5-14-2007)

9-19-10: REVIEW BY GOVERNING BOARD:

All variances approved by the commission are subject to review by the governing board as set forth in section 9-18-11 of this title. (Ord. 929, 5-14-2007)

CHAPTER 20
WELLHEAD PROTECTION PLAN

SECTION:

9-20-1: Short Title; Purpose

9-20-2: Definitions

9-20-3: Establishment Of Wellhead Protection Overlay District

9-20-4: Area 1A Restrictions

9-20-5: Area 1B Restrictions

9-20-6: Area 2 Restrictions

9-20-7: Area 3 Restrictions

9-20-8: Requirements For New Wells

9-20-9: Administration

9-20-10: Notice Of Proposed Action To Operator Of Public Or Community Water Supply

9-20-11: Nonconforming Uses

9-20-12: Right To Appeal

9-20-13: Violation; Penalty

9-20-14: Environmental Threat And/Or Public Nuisance

9-20-15: Appendices

9-20-1: SHORT TITLE; PURPOSE:

A. Short Title: This chapter shall be known as the *WELLHEAD PROTECTION PLAN*.

B. Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are:

1. Protect human life and health;
2. Ensure that the public is provided with a sustainable, safe, potable water supply;
3. Minimize expenditure of public money for pollution remediation projects;
4. Minimize business interruptions. (1974 Code § 4-2301)

9-20-2: DEFINITIONS:

When used in this chapter, the following words and phrases shall have the meanings given in this section:

COMMUNITY WATER SYSTEM: A public system which serves at least fifteen (15) service connections used by year round residents or regularly serves at least twenty five (25) year round residents.

FACILITY: Refers to any installation or business that is built, installed or established to serve a particular purpose.

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in the code of federal regulations, part 40, chapter 260.1.

HAZARDOUS WASTE OR MATERIAL: Any waste or material, which because of its quantity, concentration, physical, chemical or infectious characteristics, may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or
- C. Any material or substance designated as a "hazardous or toxic substance" defined by the code of federal regulations, part 40, chapter 261.3, or any material or substance designated as a hazardous or toxic substance by the state of Idaho, acting through the division of environmental quality or any successor agency.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATIONS: Any parcel of land having greater than five (5) animal units per acre in a confined area or any parcel of land containing twenty (20) acres or more having more than one hundred (100) animal units total. All livestock shall have the following animal unit equivalents:

Slaughter or feeder cow	=	1.0 animal unit
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Dairy heifer	=	1.0 animal unit
Beef cow-calf pair	=	1.2 animal units
Mature dairy cow	=	1.4 animal units
Swine	=	0.5 animal unit
Sheep or lamb	=	0.2 animal unit
Horse	=	1.0 animal unit
Goat	=	0.3 animal unit
All others not listed	=	1.0 animal unit per 750 pounds

NONCOMMUNITY WATER SYSTEM: A public water system that is not a community water system.

OVERLAY WELLHEAD PROTECTION AREAS: Overlay wellhead protection areas are delineated based on groundwater gradients and geology of the area of Buhl.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. Such term includes:

- A. Any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system; and
- B. Any collection or pretreatment storage facilities not under such control that are used in connection with such system. A public water system is either a "community water system" or a "noncommunity water system".

SANITARY LANDFILL: A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances and health hazards.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three (3) criteria:

- A. It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and
- B. It is deeper than its largest straight line surface dimension; and
- C. It is used for or intended to be used for injection.

WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

WELLHEAD PROTECTION OVERLAY AREA 1A: A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to city/county public water supplies.

WELLHEAD PROTECTION OVERLAY AREA 1B: This area is based on a three (3) year time of travel to the wellheads as shown in appendix 1, section 9-20-15 of this chapter.

WELLHEAD PROTECTION OVERLAY AREA 2: This area is based on a six (6) year time of travel to the wellheads as shown in appendix 1, section 9-20-15 of this chapter.

WELLHEAD PROTECTION OVERLAY AREA 3: This area is based on a ten (10) year time of travel to the wellheads as shown in appendix 1, section 9-20-15 of this chapter.

WELLHEAD PROTECTION OVERLAY DISTRICT (WHP): A land use designation on the land use map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The wellhead protection overlay district will also appear in the hazardous component of the comprehensive plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. (1974 Code § 4-2302; amd. 2010 Code)

9-20-3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT:

There is hereby established a wellhead protection overlay district identified and described as follows: The district shall be composed of the four (4) areas described in section 9-20-2 of this chapter. (1974 Code § 4-2303)

9-20-4: AREA 1A RESTRICTIONS:

Uses permitted within area 1A shall be limited to necessary public water supply wellhead equipment including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited except as specifically permitted by the director of public works of the city. (1974 Code § 4-2304)

9-20-5: AREA 1B RESTRICTIONS:

The following uses or conditions are prohibited within area 1B of the wellhead protection area:

Disposal of waste oil, oil filters, tires and all other petroleum products or hazardous waste.

Hazardous waste disposal facilities.

Injection well construction or use is prohibited except for the following:

- A. Cooling water return,
- B. Geothermal water return,
- C. Heat pump return.

Land use activities posing a hazard or threat to existing groundwater quality as deemed by the city engineer of the city during review

process applications. (See section 9-20-12 of this chapter for the right to appeal process.)

Livestock confinement operations.

Sanitary landfills.

Wells deeper than three hundred feet (300') except under specific license. Construction of such wells shall be done in accordance with appendix 2, section 9-20-15 of this chapter. (1974 Code § 4-2305)

9-20-6: AREA 2 RESTRICTIONS:

The following uses or conditions shall be and are prohibited within area 2 of the wellhead protection area:

Injection wells deeper than eighteen feet (18') except for the following uses in closed systems:

- A. Cooling water return,
- B. Geothermal water return,
- C. Heat pump return.

Land use activities posing a hazard or threat to existing groundwater quality as deemed by the city engineer during review process applications. (See section 9-20-12 of this chapter for the right to appeal process.)

Livestock confinement operations.

Wells deeper than three hundred feet (300') except under specific license. Construction of such wells shall be done in accordance with appendix B, section 9-20-15 of this chapter. (1974 Code § 4-2306)

9-20-7: AREA 3 RESTRICTIONS:

The following uses or conditions are prohibited within area 3 of the wellhead protection area:

Injection wells deeper than eighteen feet (18') except for the following uses in closed systems:

- A. Cooling water return,
- B. Geothermal water return,
- C. Heat pump return.

Land use activities posing a hazard or threat to existing groundwater quality as deemed by the city engineer during review process applications. (See section 9-20-12 of this chapter for the right to appeal process.)

Livestock confinement operations. (1974 Code § 4-2307)

9-20-8: REQUIREMENTS FOR NEW WELLS:

Prior to the development of new wells for the purpose of supplying potable water to any community water system, the proposed well site will be delineated in accordance with section 9-20-3 of this chapter. The delineated areas will then be inventoried for potential contamination sources and the proposed site evaluated as to potential adverse impact to the well site. (1974 Code § 4-2308)

9-20-9: ADMINISTRATION:

The mayor and city council shall be authorized to adopt policy and procedures for the administration of any wellhead protection area established under this chapter, including, without limitation, those applicable to nonconforming uses, exceptions, enforcement and penalties for all sites within the impact area of the city and administration of areas of the wellhead protection area lying outside of the impact area of the city in accordance with Twin Falls County "wellhead protection plan". (1974 Code § 4-2309; amd. 2010 Code)

9-20-10: NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:

Whenever there is a request which requires a special use permit from the planning and zoning commission for land lying within a wellhead protection area, written notice of hearing shall be given to the entity operating the public or community water supply within that overlay district. The planning and zoning commission may require a granting of easements for monitoring wells if the commission deems it appropriate for protection of the public water supply. (1974 Code § 4-2310; amd. 2010 Code)

9-20-11: NONCONFORMING USES:

Any legal use existing at the time of the adoption hereof and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in this title. (1974 Code § 4-2311)

9-20-12: RIGHT TO APPEAL:

Any person, firm or corporation desiring to use the land within the area designated or areas 1A, 1B, 2 or 3, in a manner contrary to the provisions of this chapter shall have the right to appeal or apply for a waiver from the restrictions. For property located within the city limits, the mayor and city council shall act as the hearing board and enter a decision in regards to the appeal and/or waiver request. After full hearing, further appeal shall be referred to the district court in accordance with Idaho Code. For property located outside the city limits, the mayor and city council shall act as the hearing board and make recommendation as to the appeal and/or waiver to the county commissioners. (1974 Code § 4-2312; amd. 2010 Code)

9-20-13: VIOLATION; PENALTY:

A. Violation: It shall be unlawful for any person, firm, or corporation to occupy or use the land within the area designated areas 1A, 1B, 2 or 3 contrary to, or in violation of, any of the provisions of this chapter.

B. Misdemeanor: Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction of any such violation, such person shall be subject to penalty as provided in section 1-4-1 of this code. (1974 Code § 4-2313; amd. 2010 Code)

9-20-14: ENVIRONMENTAL THREAT AND/OR PUBLIC NUISANCE:

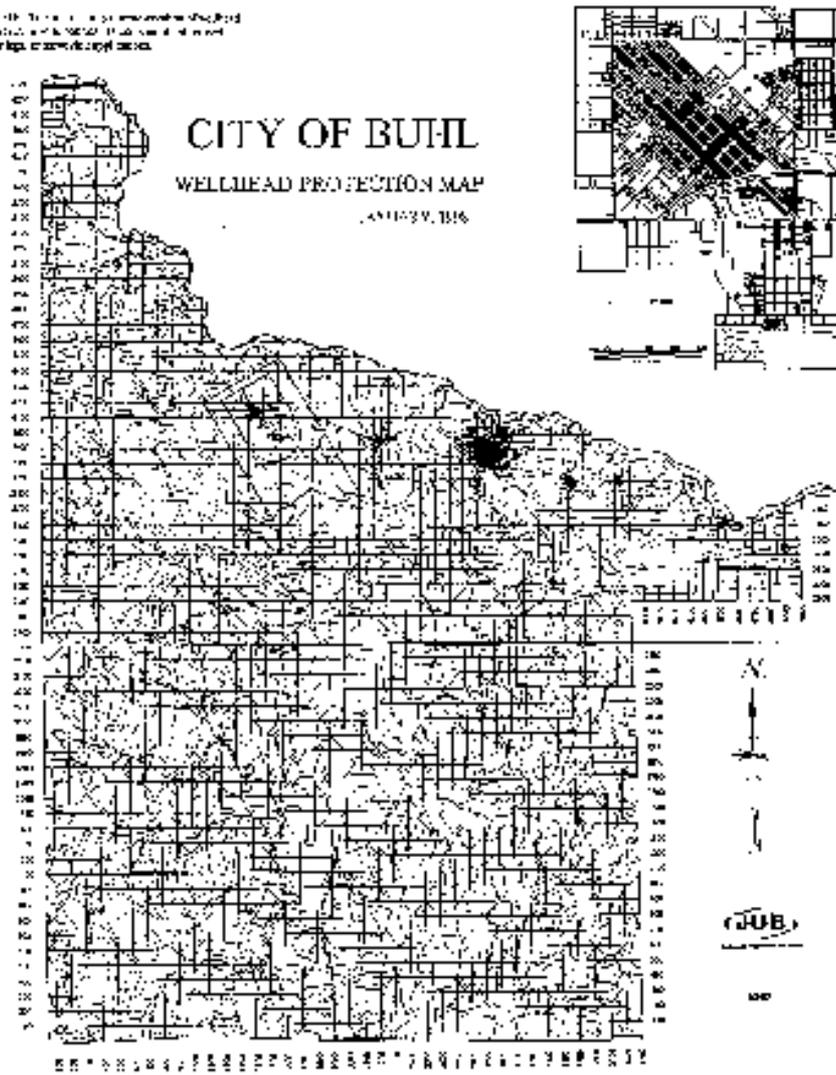
The city shall be authorized to protect the wellheads in other areas which are not included in areas 2 and 3 as defined in section 9-20-6 and 9-20-7 of this chapter by relying upon environmental water resources and public nuisance laws already in effect within the state of Idaho, if it appears that any person, firm or corporation is engaging in acts that put the city wellheads or water supply at risk. (2010 Code)

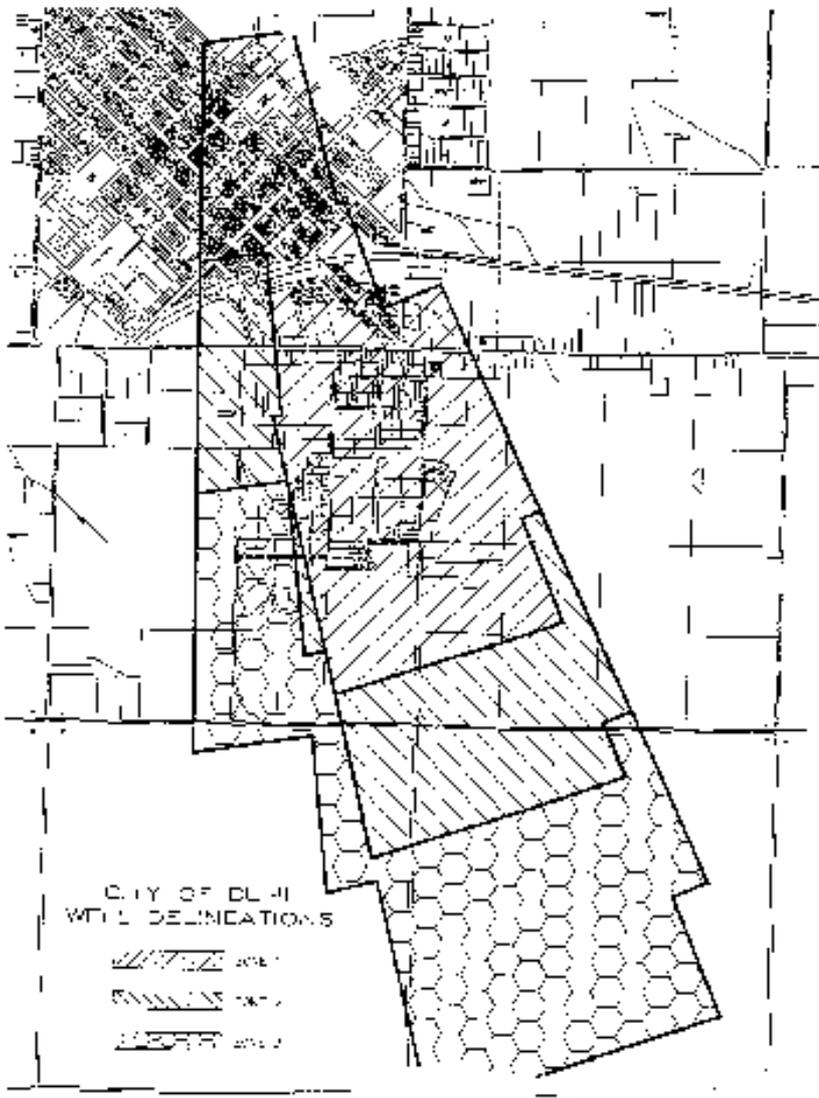
9-20-15: APPENDICES:

This chapter has three (3) appendices. Appendix A is a map showing the wells supplying the city and the overlay of the wellhead protection district, appendix 1 is the city well delineations, and appendix B defines the method of construction for wells deeper than three hundred feet (300'). (2010 Code)

APPENDIX A

with the city of Buell
a city of the State of Illinois
for legal purposes only.





APPENDIX B

CONSTRUCTION OF DEEP WELLS WITHIN WELLHEAD PROTECTION DISTRICT OF THE CITY OF BUHL

Wells three hundred feet (300') deep below ground surface shall be protected against seepage of near surface water as follows:

1. A surface seal casing shall be installed extending not less than ten feet (10') into rock. The annulus between the casing and walls of the hole shall be completely filled with Portland cement grout, this casing shall extend not less than twelve inches (12") above surrounding ground. At completion, the well shall be protected by concrete not less than eight inches (8") thick extending for a radial distance of three feet (3') from the well in all directions. The surface of the concrete surround shall be sloped at not less than one-fourth inch ($\frac{1}{4}$ ") per foot away from the well in all directions. The casing of the surface seal shall be steel having a wall thickness not less than one-fourth inch ($\frac{1}{4}$ ") or approved equal.

2. A solid casing shall be installed extending to at least three hundred feet (300') below ground surface. This shall be steel not less than one-fourth inch ($\frac{1}{4}$ ") thick or approved equal. There shall be no perforations in the casing except in the bottom twelve inches (12") where holes as may be needed for grouting will be permitted. All welds shall be full penetration butt welds unless sleeves are used for joints in which case complete circumference fillet welds shall be used. If threaded couplings are used, the joints shall be seal welded.

The annulus between the casing and the wall of the hole shall be completely filled with Portland cement grout extending to the ground surface.

Grout mixes shall be water, cement and plasticizer. Bentonite may be added as suspension agent in amounts not to exceed ten percent (10%) by dry weight of the weight of cement. Bentonite, if used, shall be high activity Wyoming bentonite, volclay or equal, and shall be ground to 200 mesh. It shall be hydrated for twenty four (24) hours before incorporating it in the grout mix. Other fillers may be used if approved. Such fillers shall not settle out of the grout mix nor cause bridging or blockage of the annulus. The annulus shall be completely filled from the bottom up with grout and kept filled until the grout takes its final set. The method to be used for placing the grout shall be reviewed and approved by the public works director of the city before starting grouting of the casing.

3. Drilling for the remaining depth and completing the well shall not be done until the grout around the casing has hardened to strength of at least one thousand (1,000) psi in cube tests. (1974 Code § 4-2314)

COMMERCIAL WIRELESS COMMUNICATION FACILITIES

SECTION:

9-21-1: Purpose

9-21-2: Interpretation Of Terms; Definitions

9-21-3: General Performance Standards

9-21-4: Location

9-21-5: Application Procedures

9-21-6: Standards

9-21-1: PURPOSE:

In order to protect the public health, safety, and general welfare of the community, while accommodating the communication needs of residents and businesses, these regulations are necessary in order to:

- A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the municipality;
- B. Minimize adverse visual effects of towers through careful design and siting standards;
- C. Encourage the location of towers in nonresidential areas through performance standards and incentives;
- D. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- E. Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing. (1974 Code § 4-2401)

9-21-2: INTERPRETATION OF TERMS; DEFINITIONS:

A. Incorporation: Sections 9-2-2, "Interpretation Of Terms And Words" and 9-2-3, "Definitions", of this title are incorporated into this chapter by reference.

B. Additional Definitions: Additional definitions of words used in this chapter:

COLLOCATION: The use of a single support system on the ground by more than one carrier or several support systems on an existing building or structure by more than one carrier.

FACADE MOUNTED: Directly attached or affixed to the elevation of a building, tank, or other structure.

FREESTANDING TOWER: A tower not physically attached to a building or structure. A tower is attached to the ground by a foundation.

LATTICE TOWER: A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section.

MASTER DEVELOPMENT PLAN: A plan showing a carrier's expected network of wireless communication facilities within the city and its area of impact.

TEMPORARY WIRELESS COMMUNICATION FACILITY: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under repair, or for a special event or conference where the existing communication capabilities will not meet the requirements.

UTILITY POLE: A telephone, power, light, cable television, or flag pole. Light poles shall include street, stadium and security light poles.

WIRELESS COMMUNICATIONS FACILITY: An unstaffed commercial facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, and other facilities. (1974 Code § 4-2402)

9-21-3: GENERAL PERFORMANCE STANDARDS:

A. Collocation Requirements:

1. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the planning and zoning commission finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius ($1/2$ mile search radius for towers under 120 feet in height, $1/4$ mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

d. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

B. Tower Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the federal aviation administration or other federal or state authority for a particular tower.

C. Temporary Wireless Communications Facilities: Any facility designed for temporary use is subject to the following:

1. Use of a temporary facility is allowed only if the owner has received a temporary use permit from the planning and zoning clerk.

2. Temporary wireless facilities are permitted for use for the period of time determined to be reasonable by the planning and zoning clerk based upon the requirements of the permit request.

D. Abandonment Or Unused Wireless Communication Facility:

1. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition.

2. Unused portions of towers above a manufactured connection shall be removed within ninety (90) days of the time of discontinuance of use. The replacement of portions of a tower previously removed requires the issuance of a new wireless facility permit.

3. The carrier shall provide to the city, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use. The city shall be named as an obligee in the bond and must approve the bonding company.

E. Signs And Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. (1974 Code § 4-2403)

9-21-4: LOCATION:

A. Use: The placement, use or modification of any wireless communication facility is subject to the provisions of this section.

1. Residential Zones: New freestanding towers are prohibited. Wireless communication facilities attached to utility poles, existing towers or facades attached to nonresidential buildings are permitted subject to the provisions of this section.

2. Nonresidential Zones: Lattice towers are prohibited. Other wireless communication facilities are permitted subject to the provisions of this section.

3. Preferred Locations And Facility Types:

a. Site Selection Criteria: A master development plan is to be created, prior to any wireless communication facility permit request, based upon engineering constraints and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order:

(1) Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section.

(2) Publicly owned property.

(3) Other nonresidential buildings or vacant nonresidentially zoned land.

b. Facility Type Preferred:

(1) Roof mounted.

(2) Facade mounted.

(3) Utility pole mounted.

(4) Freestanding.

4. Prohibitions: The following are prohibited or restricted:

a. Lattice towers are prohibited.

b. Interference with city and public safety communication systems and/or area television or radio broadcast is prohibited.

c. Freestanding towers within residentially zoned areas are prohibited.

d. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached. (1974 Code § 4-2404)

9-21-5: APPLICATION PROCEDURES:

The planning and zoning clerk shall have the authority to approve applications for wireless communication facilities collocating on existing structures or utility poles provided they meet all the requirements of this chapter. All other wireless communication facilities shall require a conditional use permit from the planning and zoning commission. An application for a conditional use permit for a wireless communication facility shall contain the information set forth below in addition to the standard application information required for all conditional use permits:

A. Site Plan: A site plan including location, type and height of the proposed wireless communication facility with setbacks, property lines, adjacent land uses, structures and zoning.

B. Elevation Drawings: Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosures and other accessory uses.

C. Master Development Plan: The master development plan showing the location of all existing and proposed wireless communication facility sites of the applicant within the city and its area of impact, including the service area of each wireless communication facility.

D. Evidence Of Unavailability: Evidence demonstrating the unavailability of collocation, as set forth in this section.

E. Agreement: A signed and notarized statement by the applicant agreeing to accommodate collocation of additional antennas on the tower and that the applicant agrees to enter into leases with other providers allowing use of the tower at a monthly lease rate not to exceed one-half ($\frac{1}{2}$) the capital cost of the tower, excluding the equipment to be used exclusively by the applicant, paid over fifteen (15) years at seven percent (7%) interest. The maximum monthly lease rate shall be included in the application.

F. Lease Agreement: A lease agreement with the landholder that allows other providers to locate equipment on the subject property, and provides that if the provider fails to remove the wireless communication facility and equipment within ninety (90) days of its discontinued use, the responsibility for removal shall belong to the landholder. (1974 Code § 4-2405)

9-21-6: STANDARDS:

A. Roof Mounted:

1. Height: Roof mounted wireless communication facilities may extend above the highest portion of the roof, including parapet walls, by a distance equal to its distance to the nearest exterior wall.

2. Setback: Roof mounted wireless communication facilities shall be set back from the edge of the building the height of the antenna and support system.

3. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

B. Facade Mounted:

1. Height: Facade mounted wireless communication facilities may not exceed five feet (5') above the facade to which it is attached.

2. Projection: Maximum projection of eighteen inches (18"), but may not encroach into the public right of way.

3. Attachment: The antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

C. Utility Pole Mounted:

1. Height: Maximum height of one hundred thirty three percent (133%) of the height of the original utility pole or an additional fifteen feet (15'), whichever is greater.

2. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

3. Attachment: The antenna shall be either fully concealed within the utility pole or face mounted (not to exceed 18 inches from the face of the pole). Standoffs and amps platforms are prohibited.

4. Pole Replacement: Existing utility poles may be replaced with a new utility pole of the same height, dimensions and appearance as the existing utility pole.

5. Equipment Enclosures: Aboveground equipment enclosures on utility poles in the right of way shall not exceed twelve (12) cubic feet in volume and shall be constructed so as to minimize their visual impact. Aboveground equipment enclosures off the right of way shall meet building line setbacks in the underlying district, and shall be finished to blend in with the surrounding area. If a security fence is installed, landscaping and screening shall be installed to visually screen the aboveground equipment enclosure. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: a) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or b) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

6. Relocation Of Utilities: In the event the utilities located on a utility pole are relocated underground, the wireless communication facility shall be relocated to another location pursuant to the requirements of this section.

D. Freestanding:

1. Height: Freestanding towers shall not exceed one hundred feet (100') in height as measured from the ground.

2. Setback: Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all residential and residentially zoned property one hundred twenty five percent (125%) of the tower height as measured from ground level.

3. Color: Freestanding towers shall be painted a neutral earth tone color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.

4. Attachment: The antenna shall be either fully concealed within the tower or face mounted (not to exceed 18 inches from the face of the tower). Standoffs and amps platforms are prohibited.

5. Landscaping: Landscaping and screening shall be installed to visually screen the support structure and aboveground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: a) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or b) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days. (1974 Code § 4-2406)

CHAPTER 22

MOBILE HOMES AND MOBILE HOME PARKS

SECTION:

9-22-1: Interpretation Of Terms; Definitions

9-22-2: Purpose; Intent

9-22-3: Zoning Approval Required; Procedure

9-22-4: General Requirements

9-22-5: Site Requirements

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9-22-13: Violation; Penalty

9-22-14: Interpretation

9-22-1: INTERPRETATION OF TERMS; DEFINITIONS:

A. Incorporation: Sections 9-2-2, "Interpretation Of Terms And Words" and 9-2-3, "Definitions", of this title are incorporated into this chapter by reference.

B. Additional Definitions: Additional definitions of words used in this chapter:

ACCESSWAY: An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a mobile home park and connects to a public street.

AWNING: Any stationary structure, other than a window awning, used in conjunction with a mobile home for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

ESTABLISHED GRADE: The high point of the sidewalk at the front or side lot line as established by the city.

MOBILE HOME SPACE: A plot of land within a mobile home park designed for the accommodation of one mobile home.

PARK: A mobile home park. (1974 Code § 4-2501)

9-22-2: PURPOSE; INTENT:

This chapter establishes minimum standards and requirements for the occupation of mobile homes and for the construction and operation of mobile home parks, especially as they relate to adjacent land uses and to the development of the whole community, in order to protect and secure the public health, safety and general welfare of the city. (1974 Code § 4-2502)

9-22-3: ZONING APPROVAL REQUIRED; PROCEDURE:

No building permit shall be issued for the construction of a new mobile home park or expansion of an existing mobile home park within the city limits and/or the city area of impact until the proposed location is approved by the planning and zoning commission and a conditional use permit for mobile home park purposes is granted following a public hearing held in accordance with the procedures set forth in this title. The conditional use permit shall only be granted upon a showing being made to the satisfaction of the commission that such action will be compatible with the overall development of the area where the mobile home park is proposed to be constructed. Such showing shall be made in accordance with the following procedures:

A. Application; Fee: Application for a conditional use permit shall be made to the planning and zoning clerk. The application shall be accompanied by a filing fee of one hundred dollars (\$100.00), which shall not be refundable. The planning and zoning clerk shall in turn transmit the application to the planning and zoning commission.

B. Plot Plan Required: The application for a conditional use permit to construct a new mobile home park or the expansion of an existing mobile home park shall be accompanied by four (4) copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park, and should be drawn to a scale not smaller than one inch representing fifty feet (1" = 50'). The following information is required on the plot plan:

1. Name of the person who prepared the plan.
2. Name of the mobile home park and address.
3. Scale and north point of the plan.
4. Vicinity map showing relationship of mobile home park to adjacent properties.
5. Boundaries and dimensions of the mobile home park.
6. Location and dimensions of each mobile home space. Designation of each space by number or letter combination.
7. Location and dimensions of each existing or proposed building.
8. Location and width of accessways.
9. Location and width of walkways.
10. Location of each lighting fixture for lighting the mobile home spaces and grounds.
11. Location of recreation areas and buildings, and area of recreation space in square feet.
12. Location and type of landscaping plantings, fence, wall or combination of any of these or other screening materials.

13. Location of point where mobile home park water and sewer and electric and gas services system connect with the public systems.

14. Location of available fire and irrigation hydrants.

15. Enlarged plot plan of a typical mobile home space, showing location of the patio, parking, sidewalk, utility connections and landscaping.

C. Detailed Plans: In addition to the plot plan, detailed plans are required for all of the following showing:

1. New structures.
2. Water and sewer systems.
3. Electrical systems.
4. Natural gas, propane or butane systems, where applicable.
5. Cable TV or similar systems, where applicable.
6. Road, sidewalk and patio construction.
7. Drainage system.
8. Recreation area improvements.
9. Swimming pool specifications, where applicable.
10. Any system which provides services of any kind to two (2) or more mobile home spaces.

D. Conditional Use Permit Required: A conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted.

E. Failure To Comply; Revocation: In the event of failure to comply with the plans and/or other conditions of the conditional use permit, the planning and zoning commission may, after notice and hearing, revoke the conditional use permit.

F. Additional Permits: A conditional use permit to install a mobile home park shall not be construed as a substitution for regularly required permits such as for building, plumbing, electrical or gas installation. (1974 Code § 4-2503)

9-22-4: GENERAL REQUIREMENTS:

A. Density: With approval of the commission, the density may exceed the zoning district density by twenty five percent (25%), but, in no case, shall exceed eight (8) mobile homes per gross acre. If a street widening or terminating dedication is required, the amount of land dedicated shall be subtracted from the gross site area when calculating the proposed density.

B. Setback Regulations: Mobile home parks shall be set back at least ten feet (10') from any interior property line abutting residentially, commercially or industrially zoned property. The setback from any abutting public street right of way shall be at least twenty five feet (25'). Said required setback shall be a line parallel to and measured at right angles from the front, side or rear property line.

C. Established Boundaries: A minimum six foot (6') ornamental fence or wall, chainlink fence, evergreen plantings or combination of fence and planting shall surround the mobile home park. Such fence, wall or planting may be placed up to the front property line if adequate vision clearance for entrance and exits is maintained.

D. Parking Requirements:

1. Mobile Home Space: There shall be two (2) vehicle parking spaces at least nine feet by nineteen feet (9' x 19') in size for each mobile home space, with clear and unobstructed access to an accessway. Any parking in the accessway shall not fulfill this requirement.

2. Guest Parking: Guest parking shall be provided on a mobile home park parking site at the rate of one space for each mobile home space if the required accessway is less than thirty four feet (34') of surfaced roadway.

E. Access To A Public Street: A mobile home park must have two (2) accesses to a public street or streets having not less than fifty six feet (56') of right of way width. Each park shall have not less than sixty feet (60') of frontage on a public street, except as authorized by the planning and zoning commission. No mobile home space shall be located in such a manner that a public street must be used to maneuver the mobile home into the space.

F. Service Buildings: Service buildings housing sanitation facilities, where provided, shall be permanent structures complying with all applicable city and state ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

G. Structures: Structures located on any mobile home space shall be limited to a storage building, carport or garage.

H. Skirting: Skirting of mobile homes is required within thirty (30) days of installation.

I. Permitted Uses Within The Park: No building, structure or land within the boundaries of a mobile home park shall be used for any purpose except for the following:

1. Mobile homes or manufactured homes for residential use only, together with the normal accessory uses to residential living such as cabana, ramada, patio slab, carport or garage, and a storage or washroom building.

2. Private and public utilities.

3. Community recreation facilities, including swimming pools.

4. A fixed residence for the use of a caretaker or a manager responsible for maintaining the operation.

5. Recreational vehicle parking spaces for temporary parking if a permit for a recreational park is obtained as part of the mobile home park permit. (1974 Code § 4-2504)

1. See subsection 9-23-4F of this title.

9-22-5: SITE REQUIREMENTS:

The following shall be considered the minimum site requirements for a new mobile home park or the expansion of an existing mobile home park:

A. Accessways: Accessways shall connect each mobile home space to a public right of way and shall be a minimum of thirty four feet (34') in width. Where the entrance accessway is divided by a median planting strip, the minimum width shall be fifty feet (50') and each side shall then be one-way.

B. Recreation Area: A minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or more locations in the park. At least one recreation area shall have a minimum size of five thousand (5,000) square feet, and be of a shape that will make it usable for its intended purpose. (1974 Code § 4-2505)

C. Electrical Outlets:

1. Installation of outlets to serve each mobile home shall comply with provisions of the electrical code. (1974 Code § 4-2505; amd. 2010 Code)

2. An electrical permit is required for inspection of any placement or replacement of mobile homes in the park. (1974 Code § 4-2505)

D. Natural Gas, Propane And/Or Butane:

1. Installation Of Outlets: Installation of outlets to serve each mobile home shall comply with provisions of the codes relating to such installation. (1974 Code § 4-2505; amd. 2010 Code)

2. Permit Required: A gas, propane or butane permit is required for inspection of any placement or replacement of mobile homes in the park. (1974 Code § 4-2505)

E. Sewage Disposal:

1. Connection To Public System Required: All plumbing in the mobile home park must connect to the public sewer system and shall comply with the plumbing code adopted by the city. (1974 Code § 4-2505; amd. 2010 Code)

2. Connection: Each mobile home space shall be provided with at least a three inch (3") sewer connection. The sewer connection shall be provided with suitable fittings, so that a watertight connection can be made between the mobile home drain and sewer connection. Such individual mobile home connections shall be so constructed that they can be closed when not linked to a mobile home, and shall be trapped in such a manner as to maintain them in an odor free condition.

3. Connection Fees: Sewer connection fees for each mobile home space will be that amount established by resolution of the city council.

4. Permit Required: A plumbing permit is required for inspection of the placement or replacement of each mobile home in the park.

F. Water Supply:

1. Accessible, Adequate, Safe And Potable Supply Required: An accessible, adequate, safe and potable supply of water shall be furnished in each mobile home park, capable of furnishing a minimum of five (5) gallons per minute per mobile home space.

2. Piping: All water piping shall be constructed and maintained in accordance with state of Idaho regulations for public drinking water systems.

3. Individual Water Service Connections: Individual water service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of such homes. The mobile home park water system shall be adequate to provide thirty five (35) pounds per square inch of pressure at all mobile home connections.

4. Connection Fees: Fees for connecting to the city water system will be charged in accordance with the water line extension policy and service costs established by resolution of the city council. (1974 Code § 4-2505)

G. Fire Hydrants: Hydrants will be installed in accordance with the fire code. An adequate water supply of three hundred (300) gallons per minute shall be provided. (1974 Code § 4-2505; amd. 2010 Code)

H. Building Permit: Construction or alteration of a mobile home park requires a permit from the building department.

- I. Inspection Permit: An inspection permit shall be obtained prior to placement of an individual mobile home in a mobile home park. The cost of the permit shall be ten dollars (\$10.00) and application shall be made to the building inspector. It will be the responsibility of the park owner and/or manager to ensure a permit has been obtained prior to the placement of a mobile home in the park. This permit will not be required for temporary parking of recreational vehicles. (1974 Code § 4-2505)

9-22-6: MOBILE HOME SPACE REQUIREMENTS:

The minimum mobile home space requirements for a new mobile home park or the expansion of an existing mobile home park are as follows:

A. Lot Size:

1. Mobile Homes And Singlewides: Mobile homes up to and including fourteen foot (14') singlewides shall be placed on lots not less than thirty five feet (35') wide with not less than two thousand eight hundred (2,800) square feet of space.

2. Doublewides And Expansion Mobile Homes: Doublewides and expansion mobile homes shall be placed on lots not less than forty five feet (45') wide with not less than four thousand five hundred (4,500) square feet of space.

B. Occupied Mobile Homes: Occupied mobile homes shall be parked only on spaces provided, shall be set back a minimum of five feet (5') from the edge of all accessways and shall observe all other setbacks as established in subsection 9-22-4B of this chapter.

C. Minimum Space Requirements Between Mobile Homes:

1. End to end, fifteen feet (15').
2. Side to side, fifteen feet (15').

D. Recreational Vehicle Spaces: Recreational vehicle spaces shall comply with the requirements of chapter 23 of this title. (1974 Code § 4-2506)

9-22-7: IMPROVEMENT REQUIREMENTS:

A. New Mobile Home Parks: Improvement requirements for a new mobile home park or the expansion of an existing park are as follows:

1. Roadways Within Accessway And Sidewalks:

a. Paving: Roadways within an accessway and sidewalks shall be paved with a crushed rock base and asphaltic or concrete surfacing according to structural specifications established by the city engineer.

b. Minimum Surfaced Width: The minimum surfaced width of the roadway within an accessway shall be twenty four feet (24') if there is no parking allowed, and thirty four feet (34') if parking is allowed on one side. The first fifty feet (50') of the accessway measured from the street shall be surfaced to a width of thirty four feet (34') and shall be connected to an existing street in accordance with plans approved by the city engineer.

2. Adjacent Unimproved Public Street: Any unimproved public street adjacent to a new mobile home park must be improved by the developer with curb, gutter and pavement to a width of one-half ($1/2$) plus seven and one-half feet ($7\frac{1}{2}$) of roadway.

3. Patios: Patios shall be paved with asphalt, concrete, or suitable hard surfaced materials.

4. Lighting Of Accessways And Sidewalks: All accessways and walkways within the park shall be lighted at night to provide a minimum of one and one-half ($1\frac{1}{2}$) foot-candles of illumination.

5. Wires For Services: Wires for services to light poles and mobile home spaces shall be underground.

6. Drainage: The mobile home park shall be well drained. Provisions for drainage shall be made in accordance with a drainage plan approved by the city engineer.

7. Recreation Areas: Recreation areas shall be suitably improved and maintained for recreational purposes and shall be appropriate for the residents of the park.

8. Storage Area: A fenced storage area shall be provided by each mobile home park for the storage of accessory items such as boats, recreational vehicles, campers and related equipment owned by the park residents. Such items shall be stored in the storage area and not be parked beside the mobile home. Said storage area shall contain a minimum of sixty (60) square feet per mobile home space. (1974 Code § 4-2507)

B. Existing Mobile Home Parks:

1. Plot Plan Required: The owner or operator of a mobile home park existing at the time of passage hereof shall file with the building inspector two (2) copies of a plot plan of said park within one hundred twenty (120) days of the date of passage hereof. The plot plan shall be drawn to a scale of one inch equals fifty feet ($1" = 50'$) on eleven inch by seventeen inch ($11" \times 17"$) paper and shall contain the following information:

a. Name of person who prepared the plan.

b. Name of the mobile home park and address.

c. Scale and north point of the plan.

d. Boundaries and dimensions of the mobile home park, including location of screening fence.

e. Location and dimensions of each mobile home space and designation of each space by number or letter.

f. Location and dimensions of each existing building.

g. Location and width of accessways.

h. Location and width of walkways.

i. Location of recreation areas and dimensions.

j. Location of connection of park to city water and sewer systems as supplied from city records.

k. Location of all utilities, including, but not limited to, water and sewer system, electric power, gas lines, cable TV and any other system that serves two (2) or more mobile home spaces.

l. Location of available fire hydrants and irrigation risers.

m. Enlarged plot of typical mobile home space showing location of patio, parking, sidewalk, landscaping and utility connections. (1974 Code § 4-2508)

2. Inventory; Deficiency Report: Within sixty (60) days of receipt of the park plot plan, the plan shall be inventoried and reviewed by the planning and zoning clerk and building inspector for compliance with standards set by this chapter. Deficiencies in utilities, space or service building requirements shall be identified and a report of same, known as a deficiency report, shall be forwarded to the owner. (1974 Code § 4-2508; amd. 2010 Code)

3. Improvement Plan Required: Within one hundred twenty (120) days of receipt of a deficiency report, the owner shall submit to the city council for its approval a mobile home park improvement plan approved by the city building inspector that will correct all deficiencies identified in the deficiency report. Life safety standards shall be corrected immediately. Other required improvements may be corrected over a five (5) year time frame with a scheduled park improvements plan or, with approval of the commission, these improvements may be treated as a nonconforming use, subject to being lost or abandoned under the terms and conditions of the nonconforming use restrictions set out in this title, if such existing improvements or status complied with the code requirement existing at the time of such original construction.

4. Compliance With Improvement Plan Required: Compliance with the improvement plan schedule shall be required. Placement permits shall be withheld until compliance with the schedule is achieved.

5. Space Improvement Requirements:

- a. Utility connections shall be brought up to standards for new mobile home parks.
- b. Utility connections shall include power, water and sewer. Existing electrical services may remain overhead.

6. Service Buildings: Service buildings, where provided, shall be made to conform to applicable city and state ordinances and statutes regulating buildings, electrical and gas installations, and plumbing and sanitation systems.

7. Accessway Improvements: Accessways shall be improved to a minimum width of twenty four feet (24') with an all weather surfacing, the minimum depth of which shall be at least eight-tenths of a foot ($\frac{8}{10}$ '). If a hard surface or a surfacing width greater than twenty four feet (24') is desired by the park owner or operator, the minimum specifications shall be determined by referring to subsection A of this section. The surfacing shall be completed within two (2) years of passage hereof, or when fifty percent (50%) of the mobile home spaces have been improved and brought up to code. (1974 Code § 4-2508)

9-22-8: FIRE PROTECTION:

The mobile home park shall comply with the fire code. (1974 Code § 4-2509; amd. 2010 Code)

9-22-9: REFUSE DISPOSAL:

Storage, collection and disposal of solid waste in the park shall be so managed as to comply with the provisions of the city for the control of solid waste. (1974 Code § 4-2510)

9-22-10: VARIANCES:

A. Criteria For Approval: The planning and zoning commission may approve variances to any portion of the standards of design or required improvements set forth herein where the applicant can show that:

1. Because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions; and
2. The granting of the exception will not be detrimental to the public welfare nor injurious to other property in the vicinity in which the mobile home park is situated.

B. Application: Application for any such exception shall be made by a petition of the applicant, stating fully the grounds for the request. Such petition shall be filed with the application for a conditional use permit.

C. Decision Of Commission: The decision of the Planning and Zoning Commission on exceptions to the provisions of this chapter shall be considered final unless further appealed to the City Council as set forth in this title. (1974 Code § 4-2511)

9-22-11: MOBILE HOMES OUTSIDE A MOBILE HOME PARK:

A. Prohibited: It is unlawful for any person, firm or corporation to park or store a mobile home on any street, alley, highway or other public place or on any privately owned tract of land located within the City limits or Impact Area of the City, whether said mobile home is occupied or unoccupied, except in a licensed mobile home park.

B. Preexisting Mobile Homes: A mobile home which is legally parked or stored at the time of the adoption hereof, in violation of subsection A of this section, may remain in place as a nonconforming use subject to chapter 5 of this title. If such mobile home was unoccupied at the time of the adoption hereof, any subsequent occupation shall constitute a loss of such mobile home's nonconforming use status.

C. Recreational Vehicles: The parking, storing and use of recreational vehicles is covered in chapter 23 of this title. (1974 Code § 4-2512)

9-22-12: NOTICES, HEARINGS AND ORDERS:

A. Notice Of Violation: Whenever the building inspector determines that there has been a violation or there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or of any regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible.

B. Contents Of Notice: Such notice shall:

1. Be written.
2. State the alleged violation.
3. Allow a period of thirty (30) days or longer as may be determined reasonable by the building inspector, for the performance of any act required to cure the alleged violation.
4. Be served upon the owner or his agent or the occupant as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such owner or agent, or upon such occupant by registered mail to his last known address, or when a copy has been posted in a conspicuous place on the premises affected by the notice, when he has been served with such notice by any other method authorized or required by State law.
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with regulations adopted pursuant thereto.

6. When the violation is a violation of the Life Safety Codes, no further permits shall be issued for any purpose within the park until the violation is corrected. (1974 Code § 4-2513)

9-22-13: VIOLATION; PENALTY:

A. Violation: Any person or corporation, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this chapter, shall be guilty of an infraction. Each week's continued violation shall constitute a separate additional violation. (Ord. 991, 10-11-2018)

B. Institution Of Action Or Proceedings: In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this chapter, the proper legal authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land. (1974 Code § 4-2514)

9-22-14: INTERPRETATION:

A. In interpreting and applying the provisions of this chapter, said provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, general welfare and other purposes.

B. It is not the intention of this chapter to interfere with any more strict requirements which may be imposed by a covenant, deed restriction, or City, County, State or Federal Health Officer that has jurisdiction in the City.

C. Where this chapter imposes a greater restriction upon the use of buildings, the provisions of this chapter shall govern. (1974 Code § 4-2515)

CHAPTER 23

RECREATIONAL VEHICLE PARKS

SECTION:

9-23-1: Interpretation Of Terms; Definitions

9-23-2: Purpose; Intent

9-23-3: Zoning Approval And Conditional Use Permit Required; Procedure

9-23-4: Site Requirements

9-23-5: Improvement Requirements

9-23-6: Authority Of Planning And Zoning Commission

9-23-7: Driveways

9-23-8: Electricity

9-23-9: Fire Protection

9-23-10: Insect And Rodent Control

9-23-11: Inspection Of Premises

9-23-12: Permits Required

9-23-13: Pets

9-23-14: Plumbing

9-23-15: Gas Service Connections

9-23-16: Water Supply

9-23-17: Refuse Disposal

9-23-18: Service Buildings

9-23-19: Recreational Areas

9-23-20: Recreational Park Operations

9-23-21: Recreational Vehicles Within The City And Area Of Impact

9-23-22: Notices; Orders

9-23-23: Violation; Penalty

9-23-1: INTERPRETATION OF TERMS; DEFINITIONS:

A. Incorporation: Sections 9-2-2, "Interpretation Of Terms And Words" and 9-2-3, "Definitions", of this title are incorporated into this chapter by reference.

B. Additional Definitions: Additional definitions of words used in this chapter:

ACCESSWAY: An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a mobile

home park and connects to a public street.

ESTABLISHED GRADE: The high point of the sidewalk at the front or side lot line as established by the city.

RECREATIONAL VEHICLE PARK: Any park, court, camp, site, lot, parcel or tract of land designated, maintained or intended for the purpose of supplying a location of accommodations for any recreational vehicle to park overnight or for a limited extended stay. The park includes all buildings and open space used or intended for use as part of the facilities.

UNIT: A section of ground in a recreational vehicle park designated as the location for one automobile and one recreational vehicle or motorized recreational vehicle. (1974 Code § 4-2601)

9-23-2: PURPOSE; INTENT:

This chapter establishes minimum standards and requirements for the construction and occupation of recreational vehicle parks, especially as they relate to adjacent land uses and to the development of the whole community, in order to protect and secure the public health, safety and general welfare of the city. (1974 Code § 4-2602)

9-23-3: ZONING APPROVAL AND CONDITIONAL USE PERMIT REQUIRED; PROCEDURE:

No building permit shall be issued for the construction of a new recreational vehicle park or expansion of an existing recreational vehicle park within the city limits and the city area of impact until the proposed location is approved by the planning and zoning commission and a conditional use permit for recreational vehicle park purposes is granted following a public hearing held in accordance with the procedures set forth in this title. Such conditional use permit shall only be granted upon a showing being made to the satisfaction of the commission that such action will be compatible with the overall development of the area where the recreational vehicle park is proposed to be constructed. Such showing shall be made in accordance with the following procedures:

A. Application: Application for a conditional use permit shall be made to the planning and zoning clerk. The planning and zoning clerk shall in turn transmit the application to the planning and zoning commission.

B. Plot Plan Required: The application for a conditional use permit to construct a new recreational vehicle park or the expansion of an existing recreational vehicle park shall be accompanied by four (4) copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire recreational vehicle park, and should be drawn to a scale not smaller than one inch representing forty feet (1" = 40'). The following information is required on the plot plan:

1. Name of the person who prepared the plan.
2. Name of the recreational vehicle park and address.
3. Scale and north point of the plan.
4. Vicinity map showing relationship of recreational vehicle park to adjacent properties.
5. Boundaries and dimensions of the recreational vehicle park.
6. Location and dimensions of each recreational vehicle space. Designation of each space by number or letter combination.
7. Location and dimensions of each existing or proposed building.
8. Location and width of accessways.
9. Location and width of walkways.
10. Location of each lighting fixture for lighting the recreational vehicle spaces and grounds.
11. Location of recreation areas and buildings, and area of recreation space in square feet.
12. Location and type of landscaping plantings, fence, wall or combination of any of these or other screening materials.
13. Location of point where recreational vehicle park water and sewer systems connect with the public system.
14. Location of available fire and irrigation hydrants.

15. Enlarged plot plan of a typical recreational vehicle space, showing location of the patio, parking, sidewalks, utility connections and landscaping. (1974 Code § 4-2603)

9-23-4: SITE REQUIREMENTS:

The following shall be considered the minimum site requirements for a new recreational vehicle park or the expansion of an existing recreational vehicle park:

A. Location: The recreational vehicle park shall be located on a well drained site and shall be so located that its drainage will not endanger any water supply.

B. Size Of RV Space: Each recreational vehicle space shall contain a minimum of one thousand two hundred fifty (1,250) square feet, shall be at least twenty five feet (25') wide and shall abut on a driveway or other clear area with unobstructed access to a public street. Such spaces shall be clearly defined and marked. Recreational vehicles shall be parked in such spaces so that there will be a minimum of fifteen feet (15') between vehicles and so that no vehicle will be less than five feet (5') from the exterior boundary of the park.

C. Setback From Street Or Highway: A recreational vehicle park must be at least twenty feet (20') back from any street or highway.

D. Access Roads: Access roads shall be provided to each recreational vehicle space. Each access road shall be continuous, shall connect with a street or highway, and shall have a minimum width of twenty four feet (24'). No recreational vehicle site shall have direct frontage on any public street. Areas shall be provided for the parking of motor vehicles. Such areas shall accommodate at least the number of vehicles equal to the number of recreational vehicle spaces provided.

E. Electric, Water And Sewer Hookups: Electric, water and sewer hookups shall comply with all city, state and federal standards. If sites are provided for self-contained units without a sewer hookup, then a waste dump station with easy access must be provided.

F. Included As Part Of Mobile Home Park : In the event the recreational vehicle park is included as part of a mobile home park, no

separate recreational vehicle park permit will be required as long as there is a valid mobile home park permit issued for the park. (1974 Code § 4-2604)

Notes

1. See subsection 9-22-4H5 of this title.

9-23-5: IMPROVEMENT REQUIREMENTS:

Improvement requirements for a new recreational vehicle park or the expansion of an existing park are as follows:

A. Roadways Within Accessways And Sidewalks:

1. Paving: Roadways within accessways and sidewalks shall be paved with a crushed rock base and asphalt or concrete surfacing according to structural specifications established by the city engineer.
2. Minimum Surfaced Width: The minimum surfaced width of the roadway within an accessway shall be twenty four feet (24') if there is no parking allowed, and thirty four feet (34') if parking is allowed on one side. The first fifty feet (50') of the accessway measured from the street shall be surfaced to a width of thirty four feet (34') and shall be connected to an existing street in accordance with plans provided by the city engineer.

B. Patios: Patios shall be paved with asphalt, concrete, or suitable hard surfaced materials.

C. Lighting Of Accessways And Walkways: All accessways and walkways within the park shall be lighted at night to provide a minimum of one and one-half ($1\frac{1}{2}$) foot-candles of illumination.

D. Wires For Services: Wires for services to light poles and recreational vehicle spaces shall be underground.

E. Drainage: The recreational vehicle park shall be well drained. Provisions for drainage shall be made in accordance with a drainage plan approved by the city engineer.

F. Recreational Areas: Recreational areas shall be suitably improved and maintained for recreational purposes. (1974 Code § 4-2605)

9-23-6: AUTHORITY OF PLANNING AND ZONING COMMISSION:

The commission shall have authority to vary any of the provisions of this chapter when there are practical difficulties or unnecessary hardships in carrying out the strict letter of this chapter. No conditional use or variance shall be approved, however, until after a hearing has been held on an application therefor in accordance with this title. (1974 Code § 4-2606)

9-23-7: DRIVEWAYS:

Entrance driveways shall be located not closer than one hundred fifty feet (150') from any intersection of public streets. Entrance driveways to the park shall have a minimum width of forty feet (40'). In cases where the entrance driveway is divided by a median planting strip, the minimum width shall be fifty feet (50'). All access roads must comply with provisions of the fire code. (1974 Code § 4-2607; amd. 2010 Code)

9-23-8: ELECTRICITY:

The electrical and lighting system and installation of outlets to serve each recreational vehicle shall comply with provisions of the electrical code. (1974 Code § 4-2608; amd. 2010 Code)

9-23-9: FIRE PROTECTION:

The recreational vehicle park shall comply with the fire code. (1974 Code § 4-2609; amd. 2010 Code)

9-23-10: INSECT AND RODENT CONTROL:

Insect control and rodent control measures to safeguard public health, as recommended by the South Central district health department, shall be applied in the recreational vehicle park. (1974 Code § 4-2610)

9-23-11: INSPECTION OF PREMISES:

Properly constituted enforcement representatives shall have the power to enter, at reasonable times and upon proper notification to the manager, the premises of said park for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter, or of regulations promulgated thereunder. Enforcement of this chapter shall be vested in the city chief of police upon written complaints made by the building inspector, planning and zoning clerk, planning and zoning commission, fire chief, South Central district health department inspector or any of their designated representatives. (1974 Code § 4-2611)

9-23-12: PERMITS REQUIRED:

Building permits shall be required for and inspection made of all buildings within the park. The park shall be inspected by the building inspector during and after completion of construction of the park and a permit will be required for this inspection. Plumbing and electrical permits shall be obtained prior to construction of those facilities and city designated inspectors will make inspection of the systems and of the individual installations. (1974 Code § 4-2612)

9-23-13: PETS:

Pet control will be in accordance with title 4, chapter 5 of this code. (1974 Code § 4-2613)

9-23-14: PLUMBING:

A. Connection To Public Sewer System Required: All plumbing in the recreational vehicle park shall connect to the public sewer system and shall comply with the plumbing code and adopted appendices. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained and operated so as to not create a nuisance or health hazard. (1974 Code § 4-2614; amd. 2010 Code)

B. Connection Fees: Sewer connection fees for each unit will be the same as for mobile home parks. (1974 Code § 4-2614)

9-23-15: GAS SERVICE CONNECTIONS:

The park shall not provide gas service connections to any vehicles within the park. All gas service to recreation vehicles must be from

installed gas bottles and may not be supplied by separate external exchange tanks. (1974 Code § 4-2615)

9-23-16: WATER SUPPLY:

A. Accessible, Adequate, Safe And Potable Water Supply Required: An accessible, adequate, safe and potable supply of water shall be furnished in each recreational vehicle park capable of furnishing a minimum of five (5) gallons per minute per recreational vehicle space.

B. Piping: All water piping shall be constructed and maintained in accordance with state of Idaho regulations for public drinking water systems, section 1.8500.

C. Connection Fees: Fees for connecting to the city water system will be charged in accordance with the water line extension policy and service costs established by resolution of the city council. (1974 Code § 4-2616)

9-23-17: REFUSE DISPOSAL:

The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse shall be stored in flytight, watertight, rodentproof containers which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided and shall be located no more than one hundred fifty feet (150') from any recreational vehicle space. (1974 Code § 4-2617)

9-23-18: SERVICE BUILDINGS:

Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable city and state ordinances and statutes regulating buildings, electrical and plumbing installations and sanitation systems. (1974 Code § 4-2618)

9-23-19: RECREATIONAL AREAS:

Each park shall provide at least one hundred (100) square feet of recreational area per recreational vehicle. Said recreation area shall be landscaped and maintained in a dust free condition. (1974 Code § 4-2619)

9-23-20: RECREATIONAL PARK OPERATIONS:

A. Assigned Space Required: No recreational vehicle shall be allowed to remain in the park without an assigned recreational vehicle space.

B. Duration Of Stay: Stays within the park shall be limited to:

1. Not more than ninety (90) consecutive days or for not more than one hundred eighty (180) days out of a calendar year; or
2. The duration of one of the recreational vehicle owner's employment at a seasonal job, plus ten (10) days after the seasonal job ends; or
3. The duration of one of the recreational vehicle owner's employment at a construction project, plus ten (10) days after the construction job ends.
4. If subsection B2 or B3 of this section exceed the time allowed under subsection B1 of this section, then the actual period of employment plus ten (10) days will control. (1974 Code § 4-2620)

9-23-21: RECREATIONAL VEHICLES WITHIN THE CITY AND AREA OF IMPACT:

A. Use As Permanent Dwelling: Recreational vehicles cannot be used for a permanent dwelling within the city and its area of impact whether located within or outside a recreational vehicle park.

B. Parking Or Storage Outside RV Park: Recreational vehicles may be parked or stored outside of a recreational vehicle park within the city limits and its area of impact in the following manner only:

1. The recreational vehicle must be located within the setbacks for the district.
2. The recreational vehicle may be parked in an accessory garage, building, or an accessory car garage or port.
3. The recreational vehicle shall not be parked to provide living quarters, either temporary or permanent, nor shall any recreational vehicle be parked or stored to provide for any accessory business uses.
4. The recreational vehicle shall not be hooked up to or connected with any sewer lines, water lines or electrical utilities nor shall it be skirted.
5. The recreational vehicle shall not be parked, located or stored for rental purposes or other financial gain outside of an approved recreational vehicle park or storage area.
6. There shall only be one recreational vehicle parked, stored or located on any residential lot. No recreational vehicle shall be parked, stored or located on any vacant lot, street, alley or public property in the city or in its area of impact. (1974 Code § 4-2621)

9-23-22: NOTICES; ORDERS:

A. Notice Of Violation: Whenever the planning and zoning clerk determines that there has been a violation or there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or of any regulation adopted pursuant thereto, notice of such alleged violation shall be given to the person responsible by the planning and zoning clerk.

B. Notice Requirements: Such notice shall:

1. Be written.
2. State the alleged violation.
3. Allow a reasonable period of time to cure the alleged violations. In cases where the violation is a violation of life safety codes or is an immediate danger to life and/or property or is a violation which cannot be corrected, the violation shall be cause to close the recreational vehicle park until the violation is corrected. In all other cases, the reasonable time for correcting the violation shall be set forth in the notice by the planning and zoning clerk based upon the type of violation and what action must be taken to correct or cure the violation. The original reasonable time set may be extended by the planning and zoning clerk in cases where availability of materials or the weather justifies such an extension.

4. Be served upon the owner or his agent or the occupant, as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such owner or agent, or upon such occupant by registered mail to his last known address, or when a copy has been posted in a conspicuous place on the premises affected by the notice, or when he has been served with such notice by any other method authorized or required by state law.

5. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter and with regulations, adopted pursuant thereto. (1974 Code § 4-2622)

9-23-23: VIOLATION; PENALTY:

A. Violation; Infraction: Any person or corporation, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements of this chapter, or who erects, constructs, reconstructs, alters, enlarges, converts, moves or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this chapter, shall be guilty of an infraction. Each week's continued violation shall constitute a separate additional violation. (Ord. 991, 10-11-2018)

B. Institution Of Proceedings Or Action: In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this chapter, the proper legal authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land. (1974 Code § 4-2623)

CHAPTER 24

SUBDIVISIONS

SECTION:

9-24-1: General Provisions

9-24-2: Rules; Definitions

9-24-3: Application For Subdivision Approval Generally

9-24-4: Preapplication Procedure

9-24-5: Fees

9-24-6: Record Of Lot, Plat Approval

9-24-7: Sale Of Lot, Plat To Be Recorded

9-24-8: Amendment Procedures

9-24-9: Variances

9-24-10: Vacations And Dedications

9-24-11: Exceptions Made To Avoid Hardships

9-24-12: Detection Of Violation, Enforcement And Penalties

9-24-1: GENERAL PROVISIONS:

The following general provisions are applicable in connection with this chapter:

A. Title: This chapter shall be known as the *SUBDIVISION ORDINANCE OF BUHL, IDAHO*.

B. Authority: These regulations are authorized by Idaho Code title 50, chapter 13; title 67, chapter 65; and the Idaho constitution article 12, section 2, as amended or subsequently codified.

C. Jurisdiction: The subdivision regulations as contained in this chapter shall apply to the subdividing of land within the corporate limits of city, the city's legal jurisdiction outside of the city limits and within the "area of impact" as established pursuant to state law and agreement with the county of Twin Falls and the city.

D. Minimum Requirements: The provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety and general public welfare.

E. Relationship With Other Laws: Where the conditions imposed by any provisions herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision herein or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

F. Intent; Purpose: The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:

1. The harmonious development of the area;
2. The coordination of streets and roads within the subdivision with other existing or planned streets and roads;
3. Adequate open space for travel, light, air and recreation;
4. Adequate transportation, water drainage and sanitary facilities;
5. The avoidance of scattered subdivision of land that would result in either of the following:

- a. The lack of water supply, sewer service, drainage, transportation or other public services; and
 - b. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
6. The requirements as to the extent and the manner in which:
- a. Roads shall be created and improved; and
 - b. Water and sewer and other utility mains, piping connections or other facilities shall be installed;
7. The manner and form of making and filing of any plat; and
8. The administration of these regulations by defining the powers and duties of approval authorities. (1974 Code § 4-2801)

9-24-2: RULES; DEFINITIONS:

The rules and definitions as set forth in sections 9-2-2 and 9-2-3 of this title shall apply to this chapter. (1974 Code § 4-2802)

9-24-3: APPLICATION FOR SUBDIVISION APPROVAL GENERALLY:

Any person desiring to create a "subdivision" as herein defined shall submit all necessary applications to the planning and zoning clerk. (1974 Code § 4-2803)

9-24-4: PREAPPLICATION PROCEDURE:

A. Submission Of Preapplication: The subdivider may submit a preapplication to enable the planning and zoning clerk to review and comment on the proposed subdivision.

B. Sketch Plan: The preapplication shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form, and include the following:

1. The general layout and approximate dimension of streets, blocks and lots in sketch form;
2. The existing condition and characteristics of the land on and adjacent to the proposed subdivision site; and
3. The areas set aside for schools, parks and other public facilities.

C. Action By Planning And Zoning Clerk: The planning and zoning clerk shall notify the subdivider within fifteen (15) days from the date of receipt of an acceptable preapplication as to the general conformance or nonconformance of the proposal with this chapter, shall provide the necessary forms and checklists and shall comment on the following:

1. Compliance of the proposed development with existing local or state governmental goals and objectives of the comprehensive plan;
2. Determination if additional conditional use permits or ordinance conflicts, such as rezone, special development permit or variance, are needed and the manner of coordinating such permits;
3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property such as areas that have been designated by the state of Idaho as areas of critical environmental concern, unique plant or animal life, floodplain, airport flight pattern and the like; and
4. Consideration of other local and state governmental agencies that the subdivider should contact before preparing a preliminary plat. (1974 Code § 4-2804)

9-24-5: FEES:

At the time of submission of an application for a preliminary plat and final plat application(s), the fee, as established in the official fee schedule of the city, shall be paid. There shall be no additional fee for a pre-application.

(1974 Code § 4-2807; amd. Ord. 2025-11, 9-8-2025)

9-24-6: RECORD OF LOT, PLAT APPROVAL:

No final plat shall be filed with the county recorder or improvements made on the property until the plat has been acted upon by the commission and approved by the governing board. (Ord. 929, 5-14-2007)

9-24-7: SALE OF LOT, PLAT TO BE RECORDED:

No lots shall be sold until the plat has been recorded in the office of the county recorder. (1974 Code § 4-2809)

9-24-8: AMENDMENT PROCEDURES:

The council may, from time to time, amend, supplement or repeal the regulations and provisions of this chapter upon recommendation from the commission or upon its own motion in the following manner:

A. Commission Action:

1. Hearing; Notice: The commission, prior to recommending an amendment, supplement or repeal of the provision, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the amendment, supplement or repeal to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction.
2. Material Change: Following the commission hearing, if the commission makes a material change in this chapter other than that published for the present hearing, further notice and hearing shall be provided before the commission forwards its recommendation to the council.
3. Record: A record of the hearings, findings made and actions taken shall be maintained.

B. Council Action:

1. Hearing; Notice: The council, prior to adopting an amendment, supplement or repeal of this chapter, shall conduct at least one public hearing using the same notice and hearing procedures as the commission. The council shall not hold a public hearing, give notice of a proposed hearing, or take action until recommendations have been received from the commission.

2. Material Change Not Included In Notice: Following hearing of the council, if the council makes a material change in this title other than that published for the present hearing, further notice and hearing shall be provided before the council adopts the amendment, supplement or repeal. (1974 Code § 4-2810)

9-24-9: VARIANCES:

See chapter 19 of this title. (1974 Code § 4-2816)

9-24-10: VACATIONS AND DEDICATIONS:

A. Application Procedure:

1. Application: Any property owner desiring to vacate an existing subdivision, public right of way or easement, or desiring to dedicate a street right of way or easement, shall complete and file an application with the commission. These provisions shall not apply to the widening of any street or the dedication of streets, rights of way, or easements to be shown on a recorded subdivision.

2. Commission Action: Upon receipt of the completed application, the commission or its representative shall affix the date of application acceptance thereon. The commission shall place the application on the agenda for consideration at its next regular meeting. (1974 Code § 4-2817)

B. Action:

1. Commission Recommendation: The commission shall review the request and all agency response and make a recommendation to the governing board for either approval, conditional approval, or denial.

2. Governing Board Action:

a. Vacation: When considering an application for vacation procedures, the governing board shall establish a date for a public hearing and give such public notice as required by law. The governing board may approve, deny, or modify the application. Whenever public rights of way or lands are vacated, the governing board shall provide adjacent property owners with a quitclaim deed for the vacated rights of way in such proportions as are prescribed by law.

b. Dedication: When considering an application for dedication procedures, the governing board may approve, deny or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction, prior to acceptance of the dedication. To complete the acceptance of any dedication of land, the owner shall furnish to the governing board a deed describing and conveying such lands to be recorded with the county recorder.

c. Acceptance: The governing board's acceptance of such vacation or dedication shall be in writing. (Ord. 929, 5-14-2007)

9-24-11: EXCEPTIONS MADE TO AVOID HARDSHIPS:

A. Whenever the tract to be subdivided is, in the opinion of the governing board, of such unusual shape or size, or is surrounded by such development or unusual conditions, that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the governing board may vary or modify such requirements by an official entry in the minutes of the governing board proceedings so that the subdivider is allowed to develop his property in a reasonable manner, but so that at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this chapter are preserved. (Ord. 929, 5-14-2007)

B. The fact that an owner could realize a greater financial return from his property by subdividing said property contrary to these regulations is not sufficient reason for hardship. Hardship cannot be proved where it can be shown that property was purchased with the knowledge of existing restrictions, nor can hardship be claimed in terms of prospective sales or potential customers. (1974 Code § 4-2818)

9-24-12: DETECTION OF VIOLATION, ENFORCEMENT AND PENALTIES:

A. Enforcement: No subdivision plat required by this chapter or the Idaho Code shall be admitted to the public land records of the county, or recorded by the county recorder, until such subdivision plat has received final approval by the council. No public board, agency, commission, official or other authority shall proceed with the public improvements required by this chapter until the final plat has received the approval of the council. The city attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to enjoin any violation of this code.

B. Penalties: See section 9-3-4 of this title. (1974 Code § 4-2819)

ARTICLE A. PRELIMINARY PLAT

SECTION:

9-24A-1: Filing Application And Data

9-24A-2: Combining Preliminary And Final Plat

9-24A-3: Required Information And Data

9-24A-4: Procedure For Approval Of Preliminary Plat

9-24A-5: Approval Period

9-24A-1: FILING APPLICATION AND DATA:

The subdivider shall file with the planning and zoning clerk a complete subdivision application form and preliminary plat data as required in this chapter. (1974 Code § 4-2805)

9-24A-2: COMBINING PRELIMINARY AND FINAL PLAT:

The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:

A. The proposed subdivision does not exceed ten (10) lots;

- B. No new street dedication or street widening is involved;
- C. No major special development considerations are involved such as development in a floodplain, hillside development or the like;
- D. All required information for both preliminary and final plat is complete and in an acceptable form; and
- E. The proposed subdivision is not in conflict with the comprehensive plan or any provision of this title.

A request to combine both preliminary and final plat into one application shall be acted upon by the commission upon recommendation of the planning and zoning clerk. (1974 Code § 4-2805)

9-24A-3: REQUIRED INFORMATION AND DATA:

A. Form: The contents of the preliminary plat and related information shall be in such a form as stipulated by the city council; however, any additional maps or data deemed necessary by the planning and zoning clerk may also be required.

B. Submitted With Application: The subdivider shall submit to the planning and zoning clerk at least the following:

- 1. Preliminary Plat: The required number of copies of the preliminary plat as determined by the planning and zoning clerk, with the approval of the city council, drawn in accordance with the requirements hereinafter stated: each copy of the preliminary plat shall be on good quality paper, shall have the dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), shall show the drafting date, and shall indicate thereon, by arrow, the generally northerly direction;
- 2. Engineering Plans: The required number of copies of the engineering plans, as determined by the planning and zoning clerk, with the approval of the city council (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements; however, such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards;
- 3. Written Application: A written application requesting approval of the preliminary plan; and
- 4. Information Regarding Special Development Area: Appropriate information that sufficiently details the proposed development within any special development area such as hillside, planned unit development, floodplain, cemetery, mobile home park, large scale development, hazardous and unique areas of development.

C. Submitted Separately: The following shall be submitted separately:

- 1. Name Of Subdivision: The name of the proposed subdivision;
- 2. Name Of Subdivider And Engineer Or Surveyor: The name, address and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the plat;
- 3. Name And Address Of Adjoining Owners Of Property: The name and address of all adjoining owners of property and residents within three hundred feet (300') of the external boundaries of the land being considered, whether or not bisected by a public right of way as shown on record in the county assessor's office;
- 4. Legal Description: The legal description of the subdivision;
- 5. Statement Of Intended Use: The statement of the intended use of the proposed subdivision, such as residential single-family, two-family and multiple-family housing, commercial, industrial, recreational or agricultural and a designation of any sites proposed for parks, playgrounds, schools, churches or other public uses;
- 6. Map Of Entire Area Scheduled For Development: A map of the entire area scheduled for development if the proposed development is a portion of a larger holding intended for subsequent development. A map shall be submitted showing the location of existing buildings, water bodies or courses and the location of currently dedicated streets at the point where they adjoin and/or are immediately adjacent; provided, that actual measured distances shall not be required;
- 7. Vicinity Map: A vicinity map showing the relationship of the proposed plat to the surrounding area of a one-half (1/2) mile radius to scale;
- 8. Land Use And Existing Zoning: The land use and existing zoning of the proposed subdivision and the adjacent land;
- 9. Streets: Streets, street names, rights of way and roadway widths, including adjoining streets or roadways;
- 10. Lot Lines And Blocks: Location and length of the boundary lines of each lot, parcel, or site, and the proposed lot, parcel, or site, and the proposed lot and block numbers. Approximate acreage enclosed by subdivision.
- 11. Contour Lines: Contour lines, shown at five foot (5') intervals, where land slope is greater than ten percent (10%) and at two foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established bench mark, including location and elevation;
- 12. Site Report: A site report as required by the appropriate health district where individual wells or septic tanks are proposed;
- 13. Proposed Or Existing Utilities: Any proposed or existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants and their respective profiles;
- 14. Dedications And/Or Easements: Any dedications to the public and/or easements, together with a statement of location, dimensions and purpose of such;
- 15. Additional Required Information: Any additional required information for specific developments as defined in this chapter;
- 16. Statement Regarding Variance: A statement as to whether or not a variance, as specified in this chapter, will be requested with respect to any provision of this chapter describing the particular provision, the variance requested and the reasons therefor;
- 17. Location, right-of-way width, and name of all public or private traffic ways, the location, right-of-way width, and use of any proposed public or private pedestrian ways or special ways, and a statement of intended improvements to be made thereto;

18. A copy of any proposed restrictive covenants and/or deed restrictions;

19. A traffic impact study approved by the City Engineer based on the Institute of Transportation Engineers' "Trip Generation Handbook" (current edition) will be required. A traffic impact study may be waived by the public works department upon receipt of an approved traffic analysis to be included with the application;

A traffic impact study (TIS) shall be performed by a professional engineer licensed in the state of Idaho and employed by the developer when one or more of the following apply:

a. Full TIS: A full TIS shall be required for any development that will generate:

- (1) One hundred (100) or more added (new) peak direction trips to or from the site during the adjacent roadway's peak hours or the development's peak hours;
- (2) One thousand (1,000) or more added (new) vehicle trips per day;
- (3) The proposed development will add fifteen thousand (15,000) square feet or more of retail space;
- (4) The proposed development will add thirty thousand (30,000) square feet or more of office space;
- (5) The proposed development will add fifty thousand (50,000) square feet or more industrial space;
- (6) The proposed development will have a significant impact on the roadway, as determined by the city transportation engineer.

A full TIS shall be completed in accordance with the city's "Traffic Impact Study Requirements" for any development meeting these thresholds.

b. Modified TIS: A modified TIS shall be required for any development that will generate:

- (1) Fifty (50) to ninety-nine (99) added (new) peak direction trips to or from the site during the adjacent roadway's peak hours or the development's peak hours;
- (2) Five hundred (500) to nine hundred ninety-nine (999) added (new) vehicle trips per day.

The developer shall meet with the city engineer prior to completing the TIS. The purpose of this meeting will be to identify the requirements for TIS. If the Area of Impact affects adjacent state and local roadway jurisdictions, they may participate in the review and acceptance of the TIS.

c. City Authority To Require: The city reserves the right to require a TIS for any and all new development or redevelopment, regardless of the thresholds previously listed.

(1974 Code § 4-2805; amd. Ord. 2025-11, 9-8-2025)

9-24A-4: PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT:

A. Administrative Review:

1. Certification By Planning And Zoning Clerk, Public Hearing: Upon receipt of the preliminary plat and all other required data as provided for herein, the planning and zoning clerk shall certify the application is complete and shall affix the date of application acceptance thereon. The planning and zoning clerk shall schedule a public hearing before the planning and zoning commission, which hearing shall be held within forty five (45) days of the date of certification of a complete application.

2. Review By Other Agencies: The planning and zoning clerk shall refer the preliminary plat and application to as many governmental agencies as deemed necessary. Such agencies may include the following:

- a. Other governing bodies having joint jurisdiction;
- b. The appropriate utility companies, irrigation companies or districts and drainage districts;
- c. The superintendent of the school district; and
- d. Other agencies having an interest in the proposed subdivision.

3. Recommendation By Planning And Zoning Clerk: The planning and zoning clerk shall provide that any transmittal as provided in subsection A2 of this section will be returned within fifteen (15) days. At the end of the fifteen (15) day period, the planning and zoning clerk shall prepare a recommendation to the commission. All agency responses shall be supplied by the planning and zoning clerk to the planning and zoning commission.

B. Public Notice: The planning and zoning clerk shall notify all adjoining property owners whose names and addresses have been provided by the subdivider. Such written notice shall be mailed by first class mail at least fifteen (15) days prior to the commission meeting. The planning and zoning clerk's failure to comply with the notice provision shall not invalidate the commission's action, provided the spirit of the procedure is observed.

C. Action By Commission:

1. Hearing By Commission: The commission shall review the preliminary plat, comments from the concerned persons and agencies and the report from the planning and zoning clerk to arrive at a decision on the preliminary plat.

2. Commission Findings: In determining the acceptance of a proposed subdivision, the commission shall consider the objectives of this article and at least the following:

- a. The conformance of the subdivision with the comprehensive plan;
- b. The availability of public services to accommodate the proposed subdivision;
- c. The continuity of the proposed development with the capital improvement program;
- d. The public financial capability of supporting services for the proposed development; and

e. The other health, safety and environmental problems that may be brought to the commission's attention.

3. Action On Preliminary Plat: The commission may recommend approval, conditional approval, disapproval or tabling for a period not to exceed forty five (45) days. Such action shall occur within forty five (45) days of the date of the regular meeting at which the plat is first considered by the commission. The action and the reasons for such action shall be stated in writing by the planning and zoning clerk and forwarded to the applicant. The planning and zoning clerk shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the commission for its action. Upon granting or denying a preliminary plat, the commission shall specify:

- a. The ordinance and standards used in evaluating the application;
- b. The reason for recommending approval or denial; and
- c. The actions if any, that the applicant could take to obtain approval of the preliminary plat. (1974 Code § 4-2805)

4. Action On Combined Preliminary And Final Plat: If the commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final plat, then a recommendation shall be forwarded to the governing board in the same manner as herein specified for a final plat. The commission may recommend that the combined application be approved, approved conditionally or disapproved.

D. Action By Governing Board: Within thirty (30) days after receipt of the commission's recommendation and following the notice and hearing requirements as set forth in this chapter, the governing board shall make findings as required in this chapter. The governing board shall approve, approve conditionally or disapprove the preliminary plat within thirty (30) days of the hearing conducted to consider the commission's recommendation. (Ord. 929, 5-14-2007)

E. Appeals: See chapter 3, article D of this title for appeals procedure. (1974 Code § 4-2805)

9-24A-5: APPROVAL PERIOD:

A. Failure To File And Obtain Certification: Failure to file with and obtain the certification of the acceptance of the final plat application by the planning and zoning clerk within one year after action by the governing board shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the governing board. (Ord. 929, 5-14-2007)

B. Development In Segments: In the event that the development of the preliminary plat is made in successive, contiguous segments in an orderly and reasonable manner, and conforms such segments, if submitted within successive intervals of one year, it may be considered for final approval without resubmission for preliminary plat approval. (1974 Code § 4-2805)

ARTICLE B. FINAL PLAT

SECTION:

9-24B-1: Filing Of Final Plat

9-24B-2: Contents

9-24B-3: Procedure For Approval

9-24B-4: Conditional Approval

9-24B-5: Approval Period

9-24B-6: Required Certificates

9-24B-7: Record Of Final Plat

9-24B-1: FILING OF FINAL PLAT:

After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel or any part thereof to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the planning and zoning clerk the following:

- A. Three (3) copies of the final plat; and
- B. Three (3) copies of the final engineering construction drawings for streets, water lines, sewers, sidewalks and other public improvements. (1974 Code § 4-2806)

9-24B-2: CONTENTS:

The final plat shall include and be in compliance with all items required under Idaho Code title 50, chapter 13, and shall be prepared in accordance with the specifications set forth in Idaho Code section 50-1304. The final plat shall include at least the following: (1974 Code § 4-2806)

- A. Written Application: A written application for approval of such final plat as stipulated by the governing board; (Ord. 929, 5-14-2007)
- B. Proof Of Current Ownership: Proof of current ownership of the real property included in the proposed final plat; (1974 Code § 4-2806)
- C. Other Information: Such other information as the planning and zoning clerk or governing board may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat; (Ord. 929, 5-14-2007)
- D. Conformance With Preliminary Plat: Conformance with the approved preliminary plat and meeting all requirements of conditions thereof;
- E. Conformance With Chapter: Conformance with all requirements and provisions of this chapter;
- F. Engineering Practices And Standards: Acceptable engineering practices and standards; and

G. Building Sites: The plat shall show building sites on each lot adjusted to setback requirements. (1974 Code § 4-2806)

9-24B-3: PROCEDURE FOR APPROVAL:

A. Review By Planning And Zoning Clerk:

1. Acceptance: Upon receipt of the final plat, and compliance with all other requirements provided for herein, the planning and zoning clerk shall certify the application as complete and shall affix the date of acceptance thereon. (1974 Code § 4-2806)

2. Resubmission Of Final Plat: The planning and zoning clerk shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the planning and zoning clerk determines that there is substantial difference in the final plat from that which was approved as a preliminary plat or conditions which have not been met, the planning and zoning clerk may require that the final plat be submitted to the commission and the governing board in the same manner as required in the preliminary process.

3. Submission To The Governing Board: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the planning and zoning clerk shall place the final plat on the governing board agenda within thirty (30) days from the date that an acceptable final plat application was received and acknowledged by the planning and zoning clerk. (Ord. 929, 5-14-2007)

B. Agency Review: The planning and zoning clerk may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and agencies as he deems necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond. (1974 Code § 4-2806)

C. Governing Board Action: The governing board, at its next regular meeting following receipt of the planning and zoning clerk report, shall consider the commission findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The governing board shall approve, approve conditionally, disapprove or table the final plat for additional information within thirty (30) days of the date of the first regular meeting at which the plat is considered. A copy of the approved plat shall be filed with the planning and zoning clerk. Upon granting or denying the final plat, the governing board shall specify: (Ord. 929, 5-14-2007)

1. The ordinance and standards used in evaluating the plat;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval of the final plat. (1974 Code § 4-2806)

9-24B-4: CONDITIONAL APPROVAL:

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

A. Construction Of Improvements Completed: The construction of improvements required by this chapter shall have been completed by the subdivider and approved by the governing board; or

B. Acceptable Surety: Surety acceptable to the governing board shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond. (Ord. 929, 5-14-2007)

9-24B-5: APPROVAL PERIOD:

The final plat shall be filed with the county recorder within one year after written approval by the governing board. Otherwise, such approval shall become null and void unless the subdivider, prior to said expiration date, applies for one extension of time and such extension is granted by the governing board.

(Ord. 929, 5-14-2007; amd. Ord. 2025-11, 9-8-2025)

9-24B-6: REQUIRED CERTIFICATES:

The following certifications and signatures shall be included on the final plat prior to recording by the county recorder:

A. Certification And Signature Of Governing Board: Certification and signature of the governing board verifying that the subdivision has been approved;

B. Certification And Signature Of City Clerk-Treasurer And City Engineer: Certification and signature of the city clerk-treasurer and city engineer verifying that the subdivision meets the requirements of the city and has been approved by the governing board; and (Ord. 929, 5-14-2007)

C. Certification Of Sanitation Restriction: Certification of the sanitation restriction on the face of the plat in accordance with the provisions of Idaho Code section 50-1326. (1974 Code § 4-2806)

9-24B-7: RECORD OF FINAL PLAT:

Upon approval of the final plat by the governing board, the subdivider's prepaying of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of those certifications and signatures on the final plat as set forth in section 9-24B-6 of this article, the subdivider shall furnish proof to the planning and zoning clerk that the final plat has been recorded. (Ord. 929, 5-14-2007)

ARTICLE C. IRRIGATION WATER

SECTION:

9-24C-1: Subdivision Outside City Limits

9-24C-2: Subdivisions Inside City Limits

9-24C-3: Tiling Of Ditches

9-24C-1: SUBDIVISION OUTSIDE CITY LIMITS:

The subdivider of lands located outside the corporate limits of the city but within the "area of impact" shall ensure an adequate means of irrigation for all lands within the proposed subdivision. In the absence of alternative means of irrigation the subdivider shall leave as appurtenant to the lands within the proposed subdivision all water rights, including rights represented by shares of stock in the Twin Falls Canal Company. Upon said subdivision being annexed into the city limits, all of said water rights shall be held in the manner provided for in section 9-24C-2 of this article. (Ord. 929, 5-14-2007)

9-24C-2: SUBDIVISIONS INSIDE CITY LIMITS:

Subdivisions within the corporate limits of the city shall be connected to the public water system as hereafter provided. All Twin Falls Canal Company water shares or stock and domestic well permits or licenses shall be transferred to the city and not to the purchaser of any one or more of the lots, tracts or parcels of land included in the subdivision. However, Twin Falls Canal Company irrigation water may be retained by a homeowners'/water users' association that maintains and operates an irrigation system under the provisions of a duly recorded water users' association agreement as approved by the city attorney. (Ord. 929, 5-14-2007)

9-24C-3: TILING OF DITCHES:

A. Tiling Of Irrigation Ditches, Laterals Or Canals: All irrigation ditches, laterals or canals, exclusive of natural waterways, intersecting, crossing or lying adjacent and contiguous, or which canals, ditches or laterals touch either or both sides of the area being subdivided, shall be covered and enclosed with tiling or other covering equivalent in ability to detour access to said ditch, lateral or canal. The city may waive this requirement for covering such ditch, lateral or canal, if it finds that the public purpose requiring such will not be served in the individual case. Any covering program involving the distribution system of any irrigation company or district shall have the prior approval of that affected company or district. No subdivision plat shall be approved where the subdivision is arbitrarily or artificially laid out to avoid being adjacent to any waterway, irrigation ditch, lateral or canal to which it would otherwise be naturally adjacent or which it would otherwise naturally include.

B. Ditch Not Within Jurisdiction: The tiling of any irrigation or drainage ditch not within the jurisdiction of an irrigation or drainage district or company shall be completed so as not to impede the movement of the amount of water crossing the property in the open ditch prior to development and the tiling of the ditch or canal. The pipeline shall have a sloped bar grated inlet structure made of bars and access/cleanout boxes at a maximum of four hundred feet (400') spacing and at all angle points of the pipeline.

C. Ditch On Boundary Between Land Being Developed And Adjacent Land: Where the ditch under consideration is on the boundary between the land being developed and adjacent land not owned by the developer or the owner of the land being developed, or is in fact the boundary, the ditch shall still be tiled. The developer shall attempt to obtain the permission of the adjacent landowner to tile the ditch and attempt to have the adjacent landowner share in the cost of the tiling. If the adjacent landowner is unwilling to cooperate in sharing the cost of the tiling but willing to allow the use of his land for tiling, the developer shall tile the ditch at his sole cost. If the adjacent landowner is unwilling to allow his land to be used for purposes of tiling the ditch, the developer may request the city to condemn that part of the adjacent land necessary to tile the waterway, but the developer shall be required to pay all of the cost of condemnation and pay all of the costs of obtaining the adjacent land and all of the cost of tiling the ditch, lateral or canal. (1974 Code § 4-2806)

ARTICLE D. DESIGN STANDARDS

SECTION:

9-24D-1: Minimum Design Standards

9-24D-2: Dedication

9-24D-3: Location

9-24D-4: Specifications

9-24D-5: Street Names

9-24D-6: Intersections

9-24D-7: Pedestrian Walkways

9-24D-8: Easements

9-24D-9: Linear Open Space Corridors

9-24D-10: Blocks

9-24D-11: Lots

9-24D-12: Planting Strips And Reserve Strips

9-24D-13: Public Sites And Open Spaces

9-24D-14: Protective Covenants

9-24D-1: MINIMUM DESIGN STANDARDS:

A. Minimum Design Standards Required: All plats submitted pursuant to the provisions of this chapter, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions, shall comply with the minimum design standards set forth in this article; provided, however, that any higher standards adopted by the city, any highway district, state highway department, or health agency shall prevail over those set forth herein. (1974 Code § 4-2812)

9-24D-2: DEDICATION:

Within a proposed subdivision, arterial and collector streets shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use. (1974 Code § 4-2812)

9-24D-3: LOCATION:

Street and road location shall conform to the following:

A. Street Location And Arrangements: When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.

B. Minor Streets: Shall be so arranged as to discourage their use by through traffic.

C. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership. Temporary cul-de-sacs shall be required.

D. Relation To Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.

E. Alleys: Alleys shall be provided in multiple-dwelling or commercial subdivisions unless other provisions are made for service access and off street loading and parking. Dead end alleys shall be prohibited in all cases.

F. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than six hundred feet (600') in length and shall terminate with an adequate turnaround having a minimum radius of fifty feet (50') for right of way.

G. Driveways: Driveways providing access to no more than two (2) dwelling units, which area is a minimum of twenty feet (20') wide, shall be allowed. Driveways to three (3) or more dwelling units may be allowed, but only if the width and length of the proposed driveway is approved before construction by the city engineer after conferring with the city public works superintendent, fire and police chiefs, and such other agency as may be affected by such a driveway. A driveway may not be used as a private street.

H. Half Streets: Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with this chapter and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.

I. Loop Streets: The maximum length of a loop street shall be one thousand feet (1,000') and a loop street over this length shall be required to conform to the standards of a minor street in its subdivision type; provided, however, that a loop street of up to one thousand two hundred feet (1,200') in length containing frontage of no more than twenty four (24) building lots may be permitted.

J. Private Streets: Private streets and roads shall be prohibited except within planned unit developments. (1974 Code § 4-2812)

9-24D-4: SPECIFICATIONS:

A. Street Right Of Way Widths: Street and road right of way widths shall conform to the adopted major street plan or comprehensive development plan and the rules of the state department of highways and the highway district or department having jurisdiction; minimum right of way standards are as follows:

Highway And Street Types	Minimum Widths
Alley	20 feet
Collector street	60 feet
Local street	50 feet
Minor arterial street	70 feet
Principal arterial street	80 feet
Section line roads	80 feet

B. Street Grades: Street grades shall not exceed ten percent (10%) on either minor or collector streets, and six percent (6%) for arterial streets.

C. Street Alignment: Street alignment shall be as follows:

1. Horizontal Alignment: When street lines deflect from each other by more than ten degrees (10°) in alignment, the centerline shall be connected by a curve having a minimum radius of five hundred feet (500') for arterial streets, three hundred feet (300') for collector streets, and one hundred fifty feet (150') for residential streets. Between reverse curves on collector and arterial streets, there shall be a minimum tangent distance of two hundred feet (200'); and

2. Vertical Alignment: Minimum stopping sight distances shall be two hundred feet (200') for minor streets and designed in accordance with design speed for collector and arterial streets. (1974 Code § 4-2812)

9-24D-5: STREET NAMES:

Street names shall not duplicate any existing street name within the city or area of impact except where a new street is a continuation of an existing street; street names that may be spelled differently but sound the same as existing streets shall not be used. Street names shall be subject to the approval of the council and shall conform to the street names and patterns established by the city. (1974 Code § 4-2812)

9-24D-6: INTERSECTIONS:

Intersections shall conform to the following:

A. Angle Of Intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than seventy degrees (70°).

B. Sight Triangles: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred feet (100') from the center of the intersection.

C. Number Of Streets: No more than two (2) streets shall cross at any one intersection.

D. "T" Intersections: "T" intersections may be used wherever such design will not restrict the free movement of traffic.

E. Vertical Alignment Of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain, will be permitted. (1974 Code § 4-2812)

F. Centerline Offsets: Street centerlines shall be off-set by a distance of at least one hundred twenty-five feet (125').

G. Number Of Intersections: The number of intersections per linear section of principal and minor arterial streets shall be limited by standards as adopted by the city. The standards shall address the safety of the public as regards interactions of traffic at street, alley and driveway intersections.

(Ord. 929, 5-14-2007; amd. Ord. 2025-11, 9-8-2025)

9-24D-7: PEDESTRIAN WALKWAYS:

Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas; the pedestrian easement shall be at least ten feet (10') wide. (1974 Code § 4-2812)

9-24D-8: EASEMENTS:

Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary; total easement width shall not be less than fifteen feet (15'). Unobstructed drainageway easements shall be provided as required by the council. (1974 Code § 4-2812)

9-24D-9: LINEAR OPEN SPACE CORRIDORS:

The extent and location of lands designed for linear open space corridors should be determined largely by natural features and, to a lesser extent, by manmade features such as utility easements, transportation rights of way or water rights of way. Landscaping, screening or linear open space corridors may be required for the protection of residential properties from adjacent arterial streets, waterways, railroad rights of way or other features. As improved areas (landscaped), semi-improved areas (a landscaped pathway only), or unimproved areas (left in a natural state), linear open space corridors serve:

- A. To preserve openness;
- B. To interconnect park and open space systems within rights of way of trails, walkways, bicycleways;
- C. To play a major role in conserving area scenic and natural values, especially waterways, drainageways and natural habitat;
- D. To buffer more intensive adjacent urban land uses;
- E. To enhance local identification within the area due to the internal linkages; and
- F. To link residential neighborhoods, park areas and recreation facilities.

Subdivision plats or development plans shall show the location of any linear open space corridors. (1974 Code § 4-2812)

9-24D-10: BLOCKS:

Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary; blocks shall not be longer than one thousand feet (1,000'), nor less than five hundred feet (500') long in all cases. (1974 Code § 4-2812)

9-24D-11: LOTS:

Lots shall conform to the following:

- A. Zoning: The lot width, depth and total area shall not be less than the requirements of any applicable zoning provision;
- B. Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are approved for septic tanks), the parcels shall be divided, where feasible, so as to allow for future resubdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated, the plan thereof shall be approved by the commission prior to the taking of such action; and
- C. Sufficient Area For Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system.
- D. Zero Lot Line Building Lots:
 - 1. Yard Setbacks: In no case shall a zero lot line be allowed adjacent to a property line which is not part of the development application. Only one zero lot line interior side yard per lot may be permitted in the R-6 zone. A minimum distance of ten feet (10') shall be maintained between buildings or potential buildings on separate lots.
 - 2. Easements: A perpetual six foot (6') wide maintenance/drainage easement shall be provided on the lot adjacent to the zero lot line property line which shall be kept clear of structures with the exception of fences, patios and slabs at grade. Roof overhangs and below grade foundation footings may penetrate the easement on the adjacent lot a maximum of twelve inches (12"), but shall be so designed that runoff from the dwelling placed on the lot line is limited to the easement area. The easement shall be shown on the development plan/plat and incorporated into each deed transferring the title to the property. (1974 Code § 4-2812)

9-24D-12: PLANTING STRIPS AND RESERVE STRIPS:

Planting strips and reserve strips shall conform to the following:

- A. Planting Strips: Planting strips shall be required to be placed next to incompatible features such as highways, principal and minor arterial streets, railroads, commercial or industrial uses, to screen the view from residential properties. Such screening shall be a minimum of twenty feet (20') wide, and shall not be a part of the normal street right of way or utility easement; and shall include a landscaped six foot (6') berm topped with a six foot (6') solid screen, or combination of structural elements, approved by the city. Said structure may include public fixtures such as bike and/or pedestrian paths. The landscaping shall be maintained by the developer until accepted by the city. (Ord. 929, 5-14-2007)
- B. Reserve Strips:

1. Reserve Strips, Private: Privately held reserve strips controlling access to streets shall be prohibited; and

2. Reserve Strips, Public: A one foot (1') reserve strip may be required to be placed along half streets which are within the subdivision boundaries and shall be deeded in fee simple to the county/city for future street widening. (1974 Code § 4-2812)

9-24D-13: PUBLIC SITES AND OPEN SPACES:

Public sites and open spaces shall conform to the following:

A. Public Uses: Where it is determined that a proposed park, playground, school or other public use is located, in whole or in part, within a proposed subdivision, the commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration on the subdivision for sixty (60) days. If an agreement is not reached within sixty (60) days, the commission shall resume consideration of the subdivision;

B. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots and similar irreplaceable assets) shall be preserved in the design of the subdivision;

C. Special Developments: In the case of planned unit developments and large scale developments, the commission may require sufficient park or open space facilities of acceptable size, location and site characteristics that may be suitable for the proposed development; and

D. Solar Easements: Solar easements are strongly encouraged between adjoining property owners. (1974 Code § 4-2812)

9-24D-14: PROTECTIVE COVENANTS:

A. Protective covenants, also known as restrictive covenants, shall be adopted by the developer and/or lot owners. Such covenants and all amendments or changes thereto shall be recorded with the Twin Falls County recorder and a copy thereof, with recording data set forth thereon, shall be filed with the planning and zoning clerk.

B. Homeowners' Association: The homeowners' association bylaws and other similar protective covenants or deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall be established for the purpose of protecting the best interests of the owners involved and of the general public.

C. Enforcement Of Protective Covenants: In cases of conflict between the requirements of this code and the covenants, the most restrictive requirements shall prevail. Covenants shall be enforced by private civil suits between property owners, unless the governing board, in its sole discretion, deems that enforcement of a covenant to be in the governing board's best interest.

(1974 Code § 4-2812; amd. 2010 Code; Ord. 2025-11, 9-8-2025)

ARTICLE E. IMPROVEMENT STANDARDS

SECTION:

9-24E-1: Responsibility For Plans

9-24E-2: Required Public Improvements

9-24E-3: Guarantee Of Completion

9-24E-1: RESPONSIBILITY FOR PLANS:

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross sections, specifications and other supporting data, for all required streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards or specifications. (1974 Code § 4-2813)

9-24E-2: REQUIRED PUBLIC IMPROVEMENTS:

Every subdivider shall be required, at the subdivider's expense, to install the following public and other improvements in accordance with city conditions, standards and construction specifications as follows:

- A. Monuments: Monuments shall be set in accordance with Idaho Code section 50-1303.
- B. Streets And Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the city.
- C. Curbs And Gutters: Vertical or rolled curbs and gutters shall be constructed on all streets and service roads.
- D. Bicycle Pathways: A bicycle pathway may be required within a subdivision as part of the public right of way or separate easement.
- E. Installation Of Public Utilities: Underground utilities shall be required in all new subdivisions.
- F. Driveways: All driveway openings, approaches and curb cuts shall be as specified by city construction standards and specifications of the city, the highway district, or state highway department.
- G. Storm Drainage: An adequate storm drainage system shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the council. (1974 Code § 4-2813)

H. Public Water Supply And Sewer Systems: All public water supply or sewer systems shall be constructed in accordance with any adopted local plans and specifications. All new public water supply or sewer systems shall be an extension of an existing public system whenever possible. In the event that the proposed public water supply or sewer system is not an extension of an existing public system, the water and sewer systems shall be installed dry, if the city superintendent determines connection to the municipal system shall be available within five (5) years. All water and sewer plans shall be submitted to the proper city, state and federal agencies for approval.

I. Fire Hydrants And Water Mains:

1. Fire Protection: Adequate fire protection shall be required in accordance with standards established by the city fire officials.

2. Minimum Standards: The minimum standard shall be that the hydrant pumper nozzle shall be of one piece design, compatible with five inch (5") Storz hose couplings. The nozzle shall be an integral part of the fire hydrant and must be furnished by the manufacturer or authorized distributor designated by the manufacturer. Storz adapters will not be accepted. Hydrants shall be Waterous Paccor Model WB67-250. (Ord. 929, 5-14-2007)

J. Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards established by the city. (1974 Code § 4-2813)

K. Sidewalks And Pedestrian Walkways: Sidewalks shall be required on both sides of the street in zones exceeding a residential density of dwellings per acre. Pedestrian walkways, when required, shall have easements at least ten feet (10') in width and include a paved walk at least five feet (5') in width. Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications as adopted by the city. (Ord. 929, 5-14-2007)

L. Greenbelt: Greenbelts or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, walkways, railroad rights of way or other features. Subdivision plats shall show the location of any greenbelt areas.

M. Street Lighting: Streetlights shall be required to be installed at intersections throughout the subdivision. A subdivider shall conform to the requirements of the city and the public utility providing such lighting. (1974 Code § 4-2813)

N. Information Technology: Two (2) conduits and junction boxes at each lot shall be provided for information technology connections including, but not limited to, fiber optic and coaxial cable. The conduit and junction boxes shall be as specified by the city engineer. (Ord. 929, 5-14-2007)

9-24E-3: GUARANTEE OF COMPLETION:

A. Financial Guarantee Arrangements: In lieu of the actual installation of required public improvements before recording the final plat, the council shall require the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

B. Surety Bond:

1. Accrual: The bond shall accrue to the city covering construction, operation and maintenance of the specific public improvement;

2. Amount: The bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the city engineer and approved by the council;

3. Term Length: The term length in which the bond is in force shall be for a period to be specified by the council for the specific public improvement; and

4. Bonding For Surety Company: The bond shall be with a surety company authorized to do business in the state of Idaho, acceptable to the council.

C. Cash Deposit, Certified Check, Negotiable Bond, Or Irrevocable Bank Letter Of Credit:

1. Escrow Agent Or Trust Company: A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit acceptable by the council shall be deposited with an escrow agent or trust company;

2. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvement, as estimated by the city engineer and approved by the council;

3. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be for a period to be specified by the council; and

4. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the council and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

D. Subdivision Improvement Agreement: The developer shall enter into a subdivision improvement agreement with the city prior to commencing development of the subdivision.

E. Bonding And One Year Guarantee: The owner and/or subdivider shall guarantee all improvements within the public right of way for a one year period following the date of final inspection and acceptance by the city. Any defects, repairs or maintenance during the one year guarantee period due to faulty workmanship or materials shall be corrected at the expense of the owner and/or subdivider. In order to secure the guarantee, a bond shall be provided to the city for said one year period. (1974 Code § 4-2813)

ARTICLE F. PLANNED UNIT DEVELOPMENT

SECTION:

9-24F-1: Purpose

9-24F-2: Applicability

9-24F-3: Categories

9-24F-4: Procedures

9-24F-5: Modification Of District Regulations

9-24F-6: General Regulations

9-24F-7: General Standards

9-24F-8: Design Standards

9-24F-1: PURPOSE:

The city policy is to encourage developers of land development and construction projects to utilize the provisions of this article to achieve the following:

- A. A development pattern in accord with the goals, objectives and policies of the comprehensive plan;
- B. A development pattern which preserves and utilizes natural topographic and geologic features, scenic vistas, trees and other vegetation and which maintains natural drainage patterns;
- C. A maximum choice of living environments which allows a variety of housing and building types, which permits an increased density per acre, and which allows a reduction in lot dimensions, yards, building setbacks and area requirements;
- D. A more useful pattern of open space, parks and recreation areas;
- E. A more convenient pattern of commercial, residential and industrial uses as well as public services which support such uses;
- F. A more efficient use of land and reduced costs of streets and utilities than is generally achieved through conventional subdivisions;
- G. A development pattern which preserves neighborhood development and stability and encourages a socioeconomic mixture of people within a given environment; and
- H. A development that encompasses maximum site design flexibility. (1974 Code § 4-2814)

9-24F-2: APPLICABILITY:

Whenever there is a conflict or difference between the provisions of this article and other sections of this title, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this title. (1974 Code § 4-2814)

9-24F-3: CATEGORIES:

The city shall provide for four (4) PUD categories:

PUD-R	Planned unit development residential
PUD-C	Planned unit development commercial
PUD-G	Planned unit development general
PUD-I	Planned unit development industrial

(1974 Code § 4-2814)

9-24F-4: PROCEDURES:

Any person as the agent, or agent for the owner of any property within the jurisdiction of the city, may apply for planned unit development approval. All applicants shall follow the procedures as provided in section 9-24-4 and articles A and B of this chapter. In addition, the developer shall provide the governing body with a colored rendering of adequate scale to show the completed development that will include at least the following: (1974 Code § 4-2814; amd. 2010 Code)

- A. Architectural style and building design;
- B. Building materials and color;
- C. Landscaping;
- D. Screening;
- E. Garbage areas;
- F. Parking; and
- G. Open space. (1974 Code § 4-2814)

9-24F-5: MODIFICATION OF DISTRICT REGULATIONS:

A PUD shall be allowed only as a conditional use in each district subject to the standards and procedures set forth in this article. A PUD shall be governed by the regulations of the district or districts in which said PUD is located. The approval of the final development plan for a PUD may provide for such exceptions from the district regulations governing use, density, area, bulk, parking, signs and other regulations as may be desirable to achieve the objectives of the proposed PUD, provided such exceptions are consistent with the standards and criteria contained in this article. (1974 Code § 4-2814)

9-24F-6: GENERAL REGULATIONS:

- A. Planned Unit Developments: Planned unit developments shall be subject to the requirements set forth in this title and also subject to all provisions within this chapter.
- B. Required Acres In Planned Unit Development: A planned unit development shall not be required to contain a minimum number of acres.
- C. Owners' Association: The owners' association bylaws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space, shall meet with the approval of the council.

D. Certification Of Zoning Compliance And Building Permits: Issuance of certification of zoning and building permits shall be granted only after development plan and covenants have been approved by the council.

E. Conditions Run With Land: Any conditions attached to a final development plan shall run with the land and shall not lapse or be waived as the result of any subsequent change in the tenancy or ownership of any or all of said lands. Such conditions shall be deemed as requirements for the issuance of the certificate of occupancy for any use or structure.

F. Change Of PUD: No change in the approved final development plan shall be permitted without prior approval of the council except that minor changes in the location, siting and height of buildings and structures may be authorized by the building inspector as required by engineering or other circumstances not foreseen at the time of plan approval. However, no such "minor changes" may increase the volume of any building or structure by more than ten percent (10%) or increase the gross density of the PUD.

G. Bonus Density: Developer is responsible for documentation of change. The following bonus densities may be granted within a planned unit development, but shall not be treated as cumulative:

1. Provision for private, common open space in a PUD shall be considered cause for density increases not to exceed twenty five percent (25%);

2. Character, identity, and siting variation incorporated in a PUD shall be considered cause for density increases not to exceed twenty five percent (25%). Factors which are deemed to make a substantial contribution to such character, identity and siting variation include, but are not limited to, the following:

a. Landscaping: Streetscape, open space and plaza use of existing landscape; pedestrianways and bicycleways and recreational areas;

b. Siting: Visual focal points, use of existing physical features such as topography, creeks, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks, building groups such as clustering; and

c. Design Feature: Street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features and varied use of dwelling types and heights;

3. Publicly dedicated land in a PUD shall be considered cause for density increases not to exceed twenty five percent (25%) for facilities such as school, library, fire station, park, recreational facility; and

4. Density increases, not to exceed twenty five percent (25%), shall be considered when environmentally sensitive areas (creeks, wetlands, wooded areas) have been preserved in their natural state.

H. Financial Guarantees: The developer shall post financial guarantees for all approved on site improvements, if required pursuant to section 9-24E-3 of this chapter. (1974 Code § 4-2814)

9-24F-7: GENERAL STANDARDS:

A. Accessibility Of Site: All proposed streets, alleys, and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the PUD. Design elements shall be incorporated to discourage public through traffic. Entrance points of streets, alleys and driveways on previously existing roadways shall be subject to the approval of the city. On site vehicular circulation and parking shall be designed for adequate fire and police protection and shall be adequate to serve the uses located in the proposed development. If it is determined that additional traffic control devices or other traffic regulating improvements are required, the developer shall be responsible for the cost of such improvements.

B. Roadways: Design and dimensional standards for roadways shall be subject to specifications and standards set by the city council.

C. Off Street Parking: Off street parking shall be conveniently accessible to all dwelling units and/or other uses. Where appropriate, common driveways, parking areas, walks, and steps may be provided, maintained, and lighted for night use. Design and dimensional standards for off street parking shall be subject to provisions set forth in chapter 13 of this title.

D. Utilities: All PUDs shall provide underground installation of utilities (including streetlights, water, sanitary sewer, storm sewers, electricity, gas and telephone) in either the public right of way or utility easements. Provisions shall also be made for design and construction of adequate storm sewer facilities pursuant to review by the city engineer and other applicable agencies.

E. Open Space: All open space delineated or approved as common open space shall meet the following applicable standards:

1. The location, size and shape of the common open spaces shall be suitable for the use proposed and shall enhance the common enjoyment of recreational pursuits, or provide visual, aesthetic or environmental amenities;

2. Common open space shall be suitably improved for its intended use, except that common space containing natural features worthy of preservation may be left unimproved. Structures and improvements to be located in or adjacent to the common open space shall serve to enhance the amenities of the common space and have regard for the topography and natural features of the common open space;

3. The development schedule shall coordinate the improvements of the common open space with the construction of the buildings, structures and other improvements in the PUD. At the discretion of the council, a dedicated fund shall be established by the developer and contributed to at the time of unit sales to ensure the future improvement of the open space;

4. Land shown on the final development plan as common open space may be conveyed to a public body (if said public body agrees to accept conveyance) to maintain the common open space and improvements placed thereon. In lieu of public dedication, it shall be conveyed to an owners' association or similar organization for the purpose of owning and maintaining said common area and improvements thereon;

5. The total area of all common open space shall equal or exceed ten percent (10%) of the gross land area of the PUD; and

6. "Common open space" shall mean land area exclusive of street rights of way, buildings, parking areas, structures and appurtenances except those improvements which are accessible and available to all occupants of the private units within the PUD.

F. Landscaping:

1. Screening of off street parking, loading and waste storage areas shall be required.
2. Screening shall be required as a buffer between residential and nonresidential uses or structures in a PUD.
3. All ground surfaces in a PUD shall be covered with a vegetative cover growth or other ground treatment capable of preventing soil erosion under normal surface runoff conditions.

G. Irrigation Facilities And Drainage Systems, Natural Streams And Drainageways: Modification of existing irrigation and drainage systems, as well as natural streams and drainageways, shall be minimized and shall not materially alter the natural or existing configuration or impair the normal operation thereof.

H. Design Review: All PUDs shall be subject to design review by the city staff and council. (1974 Code § 4-2814)

9-24F-8: DESIGN STANDARDS:

A. PUD-R Planned Unit Development, Residential:

1. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate space shall be provided every two (2) living units. This may be reduced by city action if there is a showing that the needs of a particular development are less.

2. Parking Space: One additional parking space beyond that which is required by this title may be required for every three (3) dwelling units to accommodate visitor parking.

3. Maintenance Building Or Approved Area: A maintenance building or approved area shall be provided that is suitable for the services required for the repair and maintenance of all common areas.

B. PUD-C Planned Unit Developments, Commercial:

1. Buffering And Screening: When commercial structures or uses in a PUD-C abut a residential use, sight restricting screening or buffering shall be provided. In no event shall any structure in a PUD-C be located nearer than twenty feet (20') to a residential use. Off street loading and waste storage areas shall be visually screened on all sides.

2. Lighting: Outside lighting shall be designed and placed so as to not direct illumination on any nearby residential areas.

3. Design Of Site: A PUD-C shall be designed to harmonize with adjacent uses as to height, bulk, location and use of exterior materials. Sides and rears of all buildings shall be given treatment comparable in attractiveness to their principal frontage. Pedestrian walks, plazas and open spaces shall be located to provide maximum accessibility among the various buildings of the PUD-C. Open spaces shall be so located as to provide for maximum visibility by customers and to create a harmonious relationship between buildings and exterior spaces throughout the project. (1974 Code § 4-2814)

C. PUD-G Planned Unit Developments, General:

1. PUD-G shall be subject to all applicable standards as set forth in this article, with each land use conforming to the PUD criteria for said land use. (1974 Code § 4-2814; amd. 2010 Code)

2. All developments within mixed use review areas shall be developed as a PUD-G. (1974 Code § 4-2814)

D. PUD-I Planned Unit Developments, Industrial:

1. Standards: PUD-I shall be subject to all applicable standards of this code including, but not limited to, section 9-12-4 of this title and all general requirements of this article.

2. Design Of Site: A PUD-I shall be configured to move heavy transportation and industrial traffic flow safely and rapidly away from surrounding vehicular arterials and roadways and concentrate same on site.

3. Lighting: Outside lighting shall be designed and located in such a manner as to not direct illumination on any adjacent property or right of way.

4. Buffering And Screening: Buffering and screening shall be required as indicated at design review and be not less than standards set herein. (2010 Code)



ARTICLE G. SPECIAL DEVELOPMENT SUBDIVISIONS

SECTION:

9-24G-1: Cemetery Subdivision

9-24G-2: Floodplain Subdivision

9-24G-1: CEMETERY SUBDIVISION:

A. Function: The developer shall provide the commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.

B. Compliance With Idaho Code: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in Idaho Code title 27. (1974 Code § 4-2815)

9-24G-2: FLOODPLAIN SUBDIVISION :

A. Flood Areas: For any proposed subdivision that is located within a floodplain, the developer shall provide the planning and zoning clerk with a development plan of adequate scale and supporting documentation that will show and explain at least the following:

1. Location of all planned improvements;
2. The location of the floodway and floodway fringe per engineering practices as specified by the army corps of engineers;

3. The location of the present water channel;
4. Any planned rerouting of waterways;
5. All major drainageways;
6. Areas of frequent flooding;
7. Means of floodproofing buildings; and
8. Means of insuring loans for improvements within the floodplain.

B. New Construction And Substantial Improvements:

1. Residential: New construction and substantial improvements of residential structures within the floodplain shall have the lowest floor (including basement) elevated above the level of the 100-year flood; and

2. Nonresidential: For new construction or substantial improvements of nonresidential structures, the lowest floor (including basement) shall be elevated one foot (1') or more above the level of the 100-year flood.

3. Utility And Sanitary Facilities: Attendant utility and sanitary facilities shall be floodproofed up to the level of the 100-year flood. (1974 Code § 4-2815)

C. Justification For Development: Upon the determination that buildings are planned within the floodplain or that alternatives of any kind are anticipated within the floodplain area that will alter the flow of water, the developer shall demonstrate conclusively to the governing board that such development: 1) will not present a hazard to life, limb, or property; 2) will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment; and 3) has been approved by any other property owner affected by such alteration.

D. Increase Flood Flows, Heights Or Drainages: No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or drainages. If only a part of a proposed subdivision can be safely developed, the governing board shall limit the development to that part and shall require that development proceed consistent with that determination. (Ord. 929, 5-14-2007)

E. Review: Subdivisions shall be reviewed to ensure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damages; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards. (1974 Code § 4-2815)

Notes

1. See section 9-12-5 of this title.

CHAPTER 25

REQUIRED IMPROVEMENTS

SECTION:

9-25-1: Water And Sewer

9-25-1: Water And Sewer:

All buildings intended for human occupancy shall have adequate facilities. Such facilities shall be connected to an approved domestic water source conforming to the water regulations of the city, see title 7, chapter 1, and title 7, chapter 2 of this code.

A. Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. All requirements found within the water and sewer section shall be completed prior to issuance of any certificate of occupancy. (Ord. 2025-5, 3-24-2025)