

TITLE 9

ZONING

CHAPTER 1

GENERAL ZONING PROVISIONS

SECTION:

9-1-1: Short Title

9-1-2: Interpretation

9-1-3: Scope

9-1-1: SHORT TITLE:

This Title shall be known and may be cited as *THE ZONING ORDINANCE OF THE CITY OF FILER.* (Ord. 379, 9-11-79)

9-1-2: INTERPRETATION:

In its interpretation and application, the provisions of this Title shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of populations and ample parking facilities. (Ord. 379, 9-11-79)

9-1-3: SCOPE:

It is not intended by this Title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Title, or with private restrictions placed upon property by covenant, deed or other private agreement or with restrictive covenants running with the land to which the City is a party. Where this Title imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Title shall control. (Ord. 379, 9-11-79)

CHAPTER 2

DEFINITIONS

SECTION:

9-2-1: Definitions

9-2-1: DEFINITIONS:

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

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incident to and located on the same lot with the main use or building.

ALLEY: Any public space or thoroughfare twenty five feet (25') wide providing access at the back or side of a property.

ALTERATION: As applied to a building or structure, is a change or rearrangement in the structural parts or in the exit, facilities or enlargement, whether by extending on a side or by increasing in height or in the moving from one location position to another.

APARTMENT HOUSE: A multi-family dwelling for three (3) or more families, living independently of each other and doing their cooking upon the premises.

AREA, BUILDING: The aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than two feet (2'), steps, one story open porches, bay windows not extending through more than one story and not projecting more than four feet (4'), balconies and terraces.

BUILDING: A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, including tents, lunch wagons, dining cars, camp cars, trailers and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, education or recreational purposes. For the purposes of this definition, "roof" shall include an awning or other similar covering, whether or not permanent in nature.

BUILDING LINE: The line between which and the street line or lot line no building or other structure or portion thereof,

except as provided in this Code, may be erected above the grade level. The building line is considered a vertical surface intersecting the ground on such line.

BUILDING LINE, SETBACK: See definition of setback building line.

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.

COURT: An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

COURT, OPEN: A court enclosed on all sides by exterior walls of the building or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

DWELLING: A single family dwelling, a two family dwelling, or a multi-family dwelling as defined in this section.

DWELLING, MULTI-FAMILY: Any building that contains three (3) or four (4) dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING, SINGLE FAMILY: Any building that contains one dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING, TWO FAMILY: Any building that contains two (2) dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

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

DWELLING, ZERO LOT LINE: Any building that contains one dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes which abuts one side lot line and on the same side lot line shares a common wall with a second zero lot line dwelling which abuts the same side lot line.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or Municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or Municipal departments or commissions or for the public health or safety or general welfare.

FACADE MOUNTED: Directly attached or affixed to the elevation of a building, tank, or other structure.

FAMILY: A single individual, doing his/her own cooking and living upon the premises as a separate housekeeping unit or a collective body of persons doing their own cooking and living a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

FLOOR AREA, GROSS: For the purpose of determining the ratio of the floor area of a building to the area of the lot, the "gross floor area" shall be the sum of the gross horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures or enclosed porches.

FREESTANDING TOWER: A tower not physically attached to a building or structure. A tower is attached to the ground by a foundation.

GARAGE, PRIVATE: A building or part thereof other than a garage for the storage of motor vehicles and in which service station activities may be carried on.

HOME OCCUPATION: A service, excluding daycare, offered by the resident of a household unit or the sale of items handcrafted on the premises by the resident of a household unit providing the service, sale of handcrafting is performed only by the resident therein and providing the area used in performing the home occupation does not exceed four hundred (400) square feet in area and providing there is no exterior indication of the home occupation. Services which generate no traffic to the premises or which use no vehicles which would not normally be found incidental to a residential use shall be exempt from this definition.

HOTEL: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

JUNK: Any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

JUNKYARD: The use of more than one thousand (1,000) square feet of the area of any lot, whether inside or outside a

building, or the use of any portion of that half of any lot that joins any street for the storage, keeping or abandonment of junk.

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. Towers not exceeding four feet (4') in any cross section shall not be considered lattice towers.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

LOT: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this title.

LOT CORNER: A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty five degrees (135°). It is the land occupied or to be occupied by the corner building and its accessory buildings.

LOT, REVERSED CORNER: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

MASTER DEVELOPMENT PLAN: A plan showing a carrier's expected network of wireless communication facilities within the City and its Area of Impact.

NONCONFORMING USE: A building, structure or use of land legally existing at the date of establishment and which does not now conform to the regulations of the district in which it is located.

PARKING LOT AREA: An area, including access or maneuvering area, ramps or columns, exclusively as a temporary (not exceeding 24 hours) storage space for motor vehicles.

PARKING SPACE: An area of not less than two hundred (200) square feet, net, exclusive of access or maneuvering areas, or ramps, columns, etc., to be used exclusively as a temporary (not exceeding 24 hours) storage space for one private motor vehicle. Truck loading and unloading space shall not be included in such area.

ROOMING HOUSE: Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals. A boarding house or furnished rooms house shall be deemed a "rooming house".

SETBACK BUILDING LINE: A building line back of the street line.

STREET: A public thoroughfare more than twenty five feet (25') in width which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards but not including fences or walls used as fences.

USE: The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

UTILITY POLE: A telephone, power, light, cable television, or flagpole. Light poles shall include street, stadium and security light poles.

WIRELESS COMMUNICATIONS FACILITY: An unstaffed 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.

YARD: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

YARD, FRONT: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

YARD, REAR: An open, unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line. (Ord. 618, 10-17-2018)

CHAPTER 3

ZONING DISTRICTS

SECTION:

9-3-1: Use Districts Established

9-3-1: USE DISTRICTS ESTABLISHED:

For the purposes of this Title, the City is hereby divided into five (5) use districts which shall be known, in the order of restrictiveness, as:

- A Agricultural District
- R-A Residential Agricultural District
- R-1 Residential Single Household District
- C-1 General Business District
- M-1 Industrial District

All property in the City previously zoned R-1-D, R-2, and R-L shall hereafter be designated R-1.

All property in the City previously zoned C-G shall hereafter be designated C-1. (Ord. 379, 9-11-79; 1994 Code)

The boundaries of the use districts of the City are hereby established as shown on a map entitled the Filer City and Area of Impact Zoning Area on file in the office of the City Clerk. (Ord. 393, 4-6-82; 1994 Code)

CHAPTER 4

A AGRICULTURAL DISTRICT

SECTION:

9-4-1: Purpose

9-4-2: Use Regulations

9-4-3: Property Development Standards

9-4-1: PURPOSE:

This District is intended to retain the economic base that identifies Twin Falls County by preserving the good productive lands for agricultural purposes by identifying farm lands lying in those incorporated portions of the County not likely to undergo intensive urban development. (Ord. 379,9-11-79; 1994 Code)

9-4-2: USE REGULATIONS:

A. Permitted Uses:

1. The growing of soil crops, including all farming, livestock and poultry raising activities.
2. Home occupations, suburban, rural or external.
3. Water reservoirs and facilities.
4. Public utility buildings and structures.
5. Railroad tracks, spurs, switches and facilities.
6. Cemeteries.
7. Churches and religious facilities. (Ord. 379, 9-11-79; 1994 Code)

B. Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:

1. Dude ranches.
2. Stables, private or riding.
3. Commercial feed lots or stock yards (more than 5 head per acre or total of 50).

C. Prohibited Uses: Uses not specified above are prohibited unless administrative determination is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. No new dairies or expansion of existing dairies will be allowed within a one mile radius of the City boundary lines.
2. No new large cattle feeding operations or expansion of existing feedlots will be allowed within one mile radius of the City boundary lines. (1994 Code)

9-4-3: PROPERTY DEVELOPMENT STANDARDS:

- A. Lot Area: Twenty (20) acres or over.

B. Lot Occupancy:

1. Single-family dwelling units and farm labor units, as related to the agricultural use of the land.
2. Agricultural buildings, defined as a building or structure located on agricultural property and used to shelter farm implements, hay, grain, poultry, livestock or other farm produce in which there is no human habitation and which is not used by the public.
3. Temporary structures used for the sale of farm products raised on the premises, including signs advertising the sale of such products. Such structures shall be located a minimum distance of twenty feet (20') back of the road right-of-way line and provide not less than five (5) off-street parking spaces adjacent thereto.

C. Yards:

1. A minimum setback of forty feet (40') from the front property line shall be provided for all buildings.
2. A minimum side yard of seven feet (7') from the side property line shall be provided for all buildings.
3. A minimum side yard of twenty five feet (25') from the side property line shall be provided for all buildings on a corner acreage. (Ord. 370, 9-11-79; 1994 Code)

CHAPTER 5

R-A RESIDENTIAL AGRICULTURAL DISTRICT

SECTION:

9-5-1: Purpose

9-5-2: Use Regulations

9-5-3: Property Development Standards

9-5-1: PURPOSE:

The R-A residential agricultural zone is intended to provide areas for low density residential development and continuation of farm uses where compatible with each other. It is appropriate to be applied to areas which have, by nature of uses and land division activity, already begun a conversion from rural to urban use primarily in the outer portions of the rural-urban fringe areas where public facilities and services will be necessary before intensive urbanization should occur and in rural land with marginal suitability for agricultural production. (Ord. 379, 9-11-1979)

9-5-2: USE REGULATIONS:

A. Permitted Uses:

Cemeteries.

Churches and religious facilities.

Home occupations, suburban, rural or external.

Noncommercial public parks and recreation grounds and buildings.

One- and two-family dwellings.

The growing of soil crops, including all farming, livestock and poultry raising activities.

Water reservoirs and facilities. (Ord. 370, 9-11-1979; amd. 1994 Code)

B. Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

Bed and breakfasts.

Mobile home parks.

Private commercial recreation areas, including country clubs, racket clubs, health clubs and golf courses.

Private schools and educational buildings having a curriculum similar to that of public schools and colleges.

Subdivisions or developments containing five (5) acres or over.

Subdivisions or developments containing lots less than one acre, but not less than one-half (1/2) acre, in size with an adjacent golf course, park, pasture, soccer field, or other open space, providing open space for base density requirements and the development is in compliance with the requirements and policies as approved by the South Central public health district. The open space used for base density requirements shall contain a deed restriction to ensure a total of one acre minimum per building lot for subsurface sewage disposal.

Townhouse units with separate ownership with an adjacent golf course with a zero lot line setback common to the units, provided the opposite side lot line is a minimum of ten feet (10') and the unit is constructed with appropriate firewalls as required by the international fire code. (Ord. 370, 9-11-1979; amd. 1994 Code; Ord. 555, 12-6-2005; Ord. 587, 9-6-2011)

C. Prohibited Uses: Uses not specified above are prohibited unless administrative determination is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 370, 9-11-1979; amd. 1994 Code)

9-5-3: PROPERTY DEVELOPMENT STANDARDS:

A. Lot Area:

1. One acre or more, except as otherwise permitted by special use permit.
2. It is desirable that in this district the principal designated uses involving structures be serviced from public water and sewer facilities, or state health department approved private tertiary sewage treatment facilities. However, since such public facilities might not be reasonably available or feasible throughout the district, then the minimum lot requirements may be larger than one acre and shall be controlled by the specific requirements of the South Central health department.

B. Lot Occupancy:

1. One- and two-family dwelling units and farm labor units as related to the agricultural use of the land.
2. "Agricultural buildings", defined as a building or structure located on agricultural property and used to shelter farm implements, hay, grain, poultry, livestock or other farm produce in which there is no human habitation and which is not used by the public.
3. Temporary structures used for the sale of farm products raised on the premises, including signs advertising the sale of such products. Such structures shall be located a minimum distance of twenty feet (20') back of the road right of way line and provide not less than five (5) off street parking spaces adjacent thereto.

C. Yards:

1. A minimum setback of forty feet (40') from the front property line shall be provided for all buildings.
2. A minimum side yard of seven feet (7') from the side property line shall be provided for all buildings, except as otherwise permitted by special use permit.
3. A minimum side yard of twenty five feet (25') from the side property line shall be provided for all buildings on a corner acreage.
4. A minimum rear yard setback of thirty feet (30') shall be provided for all buildings. (Ord. 379, 9-11-1979; amd. 1994 Code; Ord. 587, 9-6-2011; Ord. 643, 4-15-2024)

CHAPTER 6

R-1 RESIDENTIAL SINGLE HOUSEHOLD DISTRICT

SECTION:

9-6-1: Purpose

9-6-2: Use Regulations

9-6-3: Lot Requirements

9-6-4: Property Development Standards

9-6-1: PURPOSE:

This district is intended to promote and preserve residential development and to provide a low density residential environment to allow the present and future residents to live and play in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. The principal land use is single family dwellings and uses incidental or accessory thereto. Centralized water and sewer facilities are required for lots under one acre. (Ord. 618, 10-17-2018)

9-6-2: USE REGULATIONS:

A. Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

Open space, public parks and playgrounds without crowd attracting facilities.

Residential:

Accessory buildings, personal swimming pools and other accessory uses.

Detached single family dwellings.

Under and above ground transmission lines.

B. Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

Bed and breakfasts.

Botanical gardens and arboretums.

Bus pick up shelters.

Daycare facilities.

Golf courses.

Historic sites, monuments.

Home occupations.

Mobile home parks.

Multi-family dwellings.

Private outdoor ice and roller skating.

Private outdoor tennis courts.

Public and nonprofit private academic and vocational schools.

Public parks with crowd attracting facilities.

Public swimming pools.

Religious facilities.

Two family dwellings.

Utility owned buildings and structures (less than 25 square feet in area and less than 3 feet above natural ground are permitted uses).

Zero lot line dwellings on lots fronting on arterial or collector streets, subject to the restrictions contained in section 9-18-1 of this title.

C. Prohibited Uses: Uses not specified above are prohibited. (Ord. 618, 10-17-2018)

9-6-3: LOT REQUIREMENTS:

A. Number Of Dwellings Per Lot: Each dwelling shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained in subsection D of this section.

B. Percentage Of Lot To Be Occupied: No dwelling, including its accessory buildings, shall occupy more than thirty five percent (35%) of a lot nor more than forty five percent (45%) of a corner or triangular lot.

C. Minimum Size Of Lots: No subdivision plat in the area included in the R-1 District shall hereafter be approved by the City unless all lots shown thereon have a minimum size of eight thousand (8,000) square feet, or six thousand (6,000) square feet per zero lot line dwelling.

D. Yards:

1. No building (not including uncovered porches or steps) shall be constructed nearer than twenty five feet (25') from the front lot line.

2. No dwelling shall be constructed nearer than twenty feet (20') from the rear lot line. No accessory building shall be constructed nearer than fifteen feet (15') from the rear lot line provided, however, that accessory buildings may be constructed three feet (3') from rear lot lines adjoining alleys if there is no direct vehicular access to the building from the alley, and within five feet (5') of rear lot lines without alleys. Notwithstanding the foregoing, no building may be constructed on any underground utility easement.

3. No dwelling or accessory building shall be constructed nearer than seven feet (7') from the side lot line on one side of the building and ten feet (10') from the side lot line on the other side of the building; except, that accessory buildings located more than twenty feet (20') to the rear extremity of the main building may abut the side lot line on one side of the building and except for zero lot line dwelling subject to the restrictions contained in section 9-18-1 of this title. On corner lots, no dwelling or accessory building shall be constructed nearer than twenty five feet (25') from the side lot line adjoining either street. (Ord. 618, 10-17-2018)

9-6-4: PROPERTY DEVELOPMENT STANDARDS:

A. Each residential dwelling may have one nameplate sign mounted or freestanding and shall not exceed two (2) square feet and not be higher than seven feet (7'). Each residential dwelling shall display its assigned number.

B. Landscaping shall be permitted on the property line but shall not exceed three feet (3') in height within twenty five feet (25') of the curb line or the future curb line. Notwithstanding the foregoing, trees shall be permitted within ten feet (10') of the curb line or future curb line, provided that no tree limb or growth extending from said limb shall be maintained or allowed to exist nearer than eight feet (8') from the surface of the ground. (1994 Code)

CHAPTER 7

C-1 GENERAL BUSINESS DISTRICT

SECTION:

9-7-1: Purpose

9-7-2: Use Regulations

9-7-3: Property Development Standards

9-7-1: PURPOSE:

This district is intended to provide for commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. (1994 Code)

9-7-2: USE REGULATIONS:

A. Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

Automobile open parking lot or garage.

Communication and utilities facilities:

Radio and television stations without transmission and receiving towers.

Telegraph centers and stations.

Telephone exchange stations.

Underground and aboveground transmission lines.

Cultural facilities:

Aquariums.

Botanical gardens and arboretums.

Historic sites and monuments.

Libraries, museums and art galleries.

Planetaria.

Home occupations.

Open space.

Public assembly:

Amusement parks.

Auditoriums.

Exhibition halls.

Theaters.

Public parks and playgrounds.

Residential:

Household buildings with a minimum of five (5) units.

Household units existing at the time this title is adopted.

Household units in upper floors of commercial buildings.

Rooming halls, residence halls, residential hotels and motels.

Single-family residential within existing commercial buildings so long as the residents operate a business within the building.

Transient lodging.

Retail trade uses as follows:

Apparel and accessories.

Automobile parts store.

Bakery.

Banks and lending institutions.

Bookstore.

Building materials, hardware.

Catering.

Craft shop conducted in conjunction with retail business which may include ceramics, mosaic, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

Eating places.

Farm and garden supplies.

Florist.

Food, drugs, etc.

Gasoline service stations and car washes.

General merchandise.

Gunsmithing.

Hobby and toy store.

Home furnishings and equipment.

Ice cream store.

Import store.

Music store.

Pawnshop.

Pet shop.

Sporting goods.

Services:

Advertising.

Apparel repair and alteration.

Appliance repair.

Beauty and barber.

Building care contracting.

Business associations.

Civic, social and fraternal organizations.

Construction trade offices.

Consumer, credit, collection.

Daycare facilities.

Doctors, dentist.

Duplicating stenographic.

Employment.

Finance and investment.

Fire station.

Funeral.

Governmental facilities.
Insurance and related.
Labor union organizations.
Laundering and dry cleaning.
Laundromats.
Medical, clinics and related services.
News syndicate.
Nursing homes and rest homes.
Photographic.
Plumbing shop.
Police station and jail.
Post office.
Professional.
Professional organizations.
Public, private or commercial academic and vocational schools.
Publishing and printing businesses.
Real estate and related.
Religious facilities.
Shelter homes.
Taxidermy studio.
Welfare and charitable services.
Sporting facilities:
Athletic areas.
Golf courses and country clubs.
Golf driving ranges.
Ice and roller skating.
Indoor recreational facility.
Miniature golf.
Swimming pools (commercial and public).
Tennis courts.
Taxicab office.
Transportation:
Bus pick up shelter.
Facilities for tickets and arrangements. (1994 Code; amd. Ord. 507, 9-7-1999)

B. Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

Automobile and truck sales.
Communication and utilities facilities:
Radio and television stations with transmission and receiving towers.
Manufacturing of handcrafted furniture.
Public assembly:
Concessions.

Retail trade:

Alcoholic beverages when consumed on premises where sold.

Drive-in establishments.

Services:

Auction establishments.

Automobile and truck repair.

Bottling plants.

Equipment rentals.

Frozen food storage with locker rental and custom meat cutting.

Governmental protective agencies.

Sale of secondhand and salvage goods.

Storage rentals.

Woodworking and sheet metal.

Small animal hospital.

Sporting vehicles.

Transportation:

Freight transfer points.

Trucking facilities.

Utility owned building and structures (less than 25 square feet in area and less than 3 feet aboveground are permitted uses).

Veterinarian.

Wholesale distribution and warehousing.

C. Prohibited Uses: Uses not specified above are prohibited unless administrative determination is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (1994 Code)

9-7-3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C-1 district:

A. Lot Area:

1. Commercial Uses: The lot area shall be sufficient size to provide for the building, off street parking, garbage and rubbish containers and landscaping.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R-1 district.

B. Lot Occupancy:

1. Commercial Uses: No requirement.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot occupancy requirements of the R-1 district.

C. Building Height: No building shall exceed fifty feet (50') in height.

D. Yards:

1. Commercial Uses: No setbacks are required.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R-1 district.

3. Landscaping: Landscaping is not required in the C-1 district but when used shall conform with the R-1 district, subsection 9-6-4B of this title. (Ord. 539, 3-2-2004)

E. Sidewalks On Highway 30: Whenever a building or structure is constructed, placed or erected, or when there is a change of use of a building or structure requiring a new occupancy permit in the C-1 zoning district on Highway 30, the construction of curb, gutter and sidewalk on Highway 30 shall be a condition of any building or occupancy permit and shall be completed prior to final inspection and occupancy of the building. Construction of these improvements shall comply with ITD and city standards. (Ord. 597, 10-1-2013)

CHAPTER 8

M-1 INDUSTRIAL DISTRICT

SECTION:

9-8-1: Purpose

9-8-2: Use Regulations

9-8-3: Property Development Standards

9-8-1: PURPOSE:

This District is intended to provide industrial users ample room in the City to develop and expand without encroachment by noncompatible uses. (1994 Code)

9-8-2: USE REGULATIONS:

A. Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses:

1. Residential:
 - a. Household units existing at the time this Title is adopted.
2. General business:
 - a. All uses allowed in C-1 District.
3. Industrial:
 - a. Blacksmithing shop.
 - b. Bottling plant.
 - c. Coal and fuel yard.
 - d. Farm produce storage, including cleaning, washing, sorting, packaging and processing.
 - e. Flour milling.
 - f. Gunstock manufacturing.
 - g. Ice manufacturing, storage and sales.
 - h. Large implements and heavy equipment.
 - i. Contractor equipment.
 - j. Machine shop.
 - k. Metal, wood fabrication plant.
 - l. Metalizing shop.
 - m. Milk products manufacturing.
 - n. Paint shop.
 - o. Planing mill.
 - p. Railroad
 - q. Sheet metal shop.
 - r. Tool and hardware manufacturing.
 - s. Trailer manufacturing.
 - t. Welding shop.
 - u. Wholesale storage.
 - v. Septic pumping service. (Ord. 379, 9-11-79; 1994 Code)

B. Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

Auction sales.

Auto wrecking.

Bulk plants.

Junk, rags, paper, metal and hide storage and sorting, collecting and/or baling, when conducted wholly within a completely enclosed building.

Plastics fabrication.

Poultry and rabbit slaughter, processing and sales.

Storage yard.

Towing service and impound yard.

C. Prohibited Uses: Uses not specified above are prohibited unless administrative determination is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (1994 Code)

9-8-3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M-1 district:

A. Lot Area:

1. Industrial Uses: The lot area shall be sufficient size to provide for the building, off street parking and garbage and rubbish containers.

2. Commercial Uses: C-1 district, subsection 9-7-3A1 of this title.

B. Lot Occupancy:

1. Industrial Uses: No requirement.

2. Commercial Uses: No requirement.

C. Yards:

1. Industrial Uses: No setbacks are required.

2. Commercial Uses: No setbacks are required.

3. Landscaping: Landscaping is not required in the M-1 district but when used shall conform with the R-1 district, subsection 9-6-4B of this title. (Ord. 539, 3-2-2004)

CHAPTER 9

SPECIAL USE AND VARIANCE

SECTION:

9-9-1: Special Use Defined

9-9-2: Authority To Grant Special Use

9-9-3: Application For Special Use

9-9-4: Standards Applicable To Special Uses

9-9-5: Restrictions On Granting Special Use

9-9-6: Public Hearing On Special Use

9-9-7: Action By Governing Board On Special Use

9-9-8: Variance Defined

9-9-9: Authority To Grant Variance

9-9-10: Application For Variance

9-9-11: Supplementary Conditions And Safeguards

9-9-12: Public Hearing On Variance

9-9-13: Action On The Variance By Governing Board

9-9-14: Wireless Communications Facilities

9-9-1: SPECIAL USE DEFINED:

A "special use" is 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 and when not in conflict with a comprehensive plan. (1994 Code)

9-9-2: AUTHORITY TO GRANT SPECIAL USE:

The governing board may authorize in specific cases special uses, 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 interest of affected persons and the city as a whole. (Ord. 509, 3-7-2000)

9-9-3: APPLICATION FOR SPECIAL USE:

An application for special use permit shall be filed with the city by at least one owner or lessee of property for which such special use is proposed or for which an expansion of more than twenty five percent (25%) over the original square footage approved through the special 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 special 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. Descriptions of existing use.
- D. Zoning district.
- E. Description of proposed special use.
- F. A plan of the proposed site for the special 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 special 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 a comprehensive plan. (1994 Code)

9-9-4: STANDARDS APPLICABLE TO SPECIAL USES:

The governing board shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location: (Ord. 509, 3-7-2000)

- A. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- C. Will 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. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- F. Will 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. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. (1994 Code)

9-9-5: RESTRICTIONS ON GRANTING SPECIAL USE:

In granting any special use, the governing board may prescribe appropriate 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 special use is granted, shall be deemed a violation of this title. (Ord. 509, 3-7-2000)

9-9-6: PUBLIC HEARING ON SPECIAL USE:

Upon receipt of the application for a special use, the governing board shall hold a public hearing, publish notice in the newspaper and give written notice to the applicant and all persons owning property within three hundred feet (300') of the subject property. (Ord. 509, 3-7-2000)

9-9-7: ACTION BY GOVERNING BOARD ON SPECIAL USE:

A. Within thirty (30) days after the public hearing, the governing board shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the governing board shall direct the city to issue a special use permit listing the specific conditions specified by the governing board for approval. (Ord. 509, 3-7-2000)

B. Upon granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
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. (1994 Code)

9-9-8: VARIANCE DEFINED:

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. (1994 Code)

9-9-9: AUTHORITY TO GRANT VARIANCE:

The governing board 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 no 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. (Ord. 509, 3-7-2000)

9-9-10: APPLICATION FOR VARIANCE:

A variance from the terms of this title shall not be granted unless and until a written application for a variance is submitted containing: (Ord. 509, 3-7-2000)

- 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:
 1. That 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. That 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. That special conditions and circumstances do not result from the actions of the applicant.
 4. That 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. (1994 Code)
- E. A variance shall not be granted unless the governing board 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. (Ord. 509, 3-7-2000)

9-9-11: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

Under no circumstances shall the governing board grant an appeal or variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implications prohibited by the terms of this title in said district. In granting any appeal or variance, 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 or variance is granted, shall be deemed a violation of this title. (Ord. 509, 3-7-2000)

9-9-12: PUBLIC HEARING ON VARIANCE:

A. Prior to granting a variance permit, at least one public hearing in which interested persons shall have the opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the city. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public

service announcement. Written notice shall also be provided to property owners and residents adjoining and within the parcel under consideration. (Ord. 509, 3-7-2000)

B. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notification, three (3) notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appears ten (10) days prior to the public hearing. (1994 Code)

9-9-13: ACTION ON THE VARIANCE BY GOVERNING BOARD:

Within thirty (30) days after the public hearing the governing board shall either approve, conditionally approve, or disapprove the request for appeal of variance. (Ord. 509, 3-7-2000)

9-9-14: WIRELESS COMMUNICATIONS FACILITIES:

A. Regulations:

1. Use: The placement, use or modification of any wireless communication facility is subject to the provisions of this section.

a. Residential zones: Freestanding towers are prohibited. Wireless communication facilities attached to utility poles or facades attached to nonresidential buildings are permitted subject to the provisions of this section.

b. Nonresidential zones: Wireless communication facilities are permitted subject to the provisions of this section.

2. 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.

3. Collocation: Collocation is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Collocation of a wireless communication facility shall require only approval of the administrator. No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

a. An RF engineering analysis of all utility poles, regardless of height, and of all towers or structures thirty five feet (35') in height or higher, within a one thousand three hundred twenty foot (1,320') radius of the proposed wireless communication facility site.

b. 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.

4. Prohibitions: The following are prohibited or restricted:

a. Interference with city and public safety communication systems and/or area television or radio broadcast is prohibited.

b. Freestanding towers within residentially zoned areas are prohibited.

c. Except as may be used in a lattice tower, diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.

B. Application Procedure: The administrator shall be the granting authority for wireless communication facility collocating on existing structures or utility poles. All other wireless communication facilities shall require a special use permit. An application for a special use permit for a wireless communication facility shall contain the information set forth below, in addition to the standard application information required for all special use permits:

1. A site plan including location, type and height of the proposed wireless communication facility with setbacks, property lines, adjacent land uses, structures and zoning.

2. 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.

3. 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.

4. Evidence demonstrating the unavailability of collocation, as set forth above.

5. 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 the fair market value for such tower leases at the time of request for such a lease. Applicant agrees to provide documentation verifying the fair market rents for tower leases upon request of the administrator in the event any provider requesting collocation claims that such rates are unreasonable as provided for in subsection A3b of this section.

6. 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.

C. Standards:

1. Roof Mounted:

a. 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.

b. Setback: Roof mounted wireless communication facilities shall be set back from the edge of the building the height of the antenna and support system.

c. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

2. Facade Mounted:

a. Height: Facade mounted wireless communication facilities may not exceed five feet (5') above the facade to which it is attached.

b. Setback: Maximum projection of eighteen inches (18"), but may not encroach into the public right of way.

c. 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.

3. Utility Pole Mounted:

a. Height: Maximum height of one hundred thirty three percent (133%) of the height of the original utility pole.

b. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

c. 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.

d. 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.

e. 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 screening wall or fence surrounded by a five foot (5') wide landscape planter, or a ten foot (10') wide landscape planter. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

f. 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.

4. Freestanding:

a. Height: Freestanding towers shall not exceed one hundred sixty five feet (165') in height as measured from the ground.

b. 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.

c. Color: Freestanding towers shall be left in a galvanized appearance or painted a neutral earth tone color or otherwise camouflaged or disguised so as to make the tower as unobtrusive as possible.

d. Attachment: The antenna shall be either fully concealed within the tower or face mounted and the applicant must provide evidence to the satisfaction of the administrator to show that the tower is structurally sound to support such antenna or other equipment to be attached to the tower, which evidence shall include, but not be limited to, written certification by an

appropriately licensed engineer certifying that the tower is structurally sound to support such antenna or other equipment to be attached to the tower.

e. 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 screening wall or fence surrounded by a five foot (5') wide landscape planter, or a ten foot (10') wide landscape planter. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

f. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

D. Abandonment: 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. (Ord. 610, 11-15-2016)

CHAPTER 10
OFF-STREET PARKING AND LOADING

SECTION:

9-10-1: Parking and Loading Spaces

9-10-2: Off-Street Parking Required

9-10-3: Collective Provisions

9-10-4: Off-Street Truck Loading Spaces

9-10-1: PARKING AND LOADING SPACES:

The intent of this Chapter is to encourage the parking of vehicles off the public streets and highways so as to improve safety, reduce congestion and facilitate street maintenance and traffic circulation. (Ord. 379, 9-11-79)

9-10-2: OFF-STREET PARKING REQUIRED:

In all zones, there shall be constructed at the time of the erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space of nine feet by twenty feet (9' x 20') with adequate provision for ingress and egress from the street to each parking space by standard size automobiles as follows:

TYPE OF USE	MINIMUM NUMBER OF STREET PARKING SPACES FOR EMPLOYEES/PATRONS		MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR CUSTOMERS
Barber shops	1 for each employee		2 for each chair
Beauty shops	1 for each employee		2 for each chair
Churches	1 space for each 4 seats or each 80" of benches, plus 1 space for each church official resident on the premises, plus spaces equal in number to 50% of the number of employees		
Collection offices	1 for each employee		2 spaces
Day care facilities	2 for each adult employee		
Drive-ins	1 for each employee		12 spaces
Dwellings	2 spaces for each dwelling unit		
Gift and flower shops	1 for each employee of sales area		1 for each 125 sq. ft.
Grocery stores, drugstores, bakers and similar retail establishments	1 for each 2 employees		3 sq. ft. of parking lot area for each sq. ft. of building

Home occupations		2 spaces more than that required for each dwelling unit,		
Hotels				Not less than the number of spaces equaling 60% of the number of rooms to be occupied by tenants or guests
Industrial		A minimum of 1 off-street parking space for each 2 employees		
Lodge halls, club houses, institutions for philanthropic and eleemosynary purposes		Not less than 20% of the total membership		
Mortuaries		1 space for each 4 seats or each 80" of benches in the chapel or auditorium, plus 1 space for each resident on the premises, plus 1 space for each 2 employees not resident on the premises		
Motels and tourist courts		1 space for each unit		
Plant nurseries where goods are sold on the premises		1 space for each employee		2 spaces
Professional offices		1 space for each employee		2 spaces for each professional person located in the building
Public parks		1 space for every		4 rated occupants
Public swimming pools		5 spaces for each rated occupant		
Real Estate offices		1 space for each employee		2 spaces for each professional person located in the building
Restaurants		1 space for each employee		1 space for each 4 seats or 30" of seating capacity
Schools		2 spaces for each classroom		

Off-street parking space for uses not mentioned shall be determined by the Planning and Zoning Commission under authority delegated to it as set forth in this Title. (Ord. 379, 9-11-79; 1994 Code)

9-10-3: COLLECTIVE PROVISIONS:

Parking space for two (2) or more buildings, as required in this Title, may be combined into one lot and may be located on a lot adjacent to the building, provided the number of parking spaces is at least equal to the number required when computed separately. (Ord. 379, 9-11-79)

9-10-4: OFF-STREET TRUCK LOADING SPACES:

Off-street loading and unloading space shall be provided on the same lot for every building used for manufacturing, storage, warehousing, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution of vehicle or material or merchandise. Such space, unless otherwise adequately provided, shall include a minimum ten foot by twenty five foot (10' x 25') loading space with a minimum fourteen feet (14') height clearance for every twenty thousand (20,000) square feet of floor space in the building, or fraction thereof. (Ord. 379, 9-11-79)

CHAPTER 11

NONCONFORMING USES

SECTION:

9-11-1: Nonconforming Uses

9-11-2: Expansion Of Nonconforming Uses

9-11-1: NONCONFORMING USES:

The lawful use of any building, structure or land existing at the effective date hereof may be continued, although such use does not conform with the provisions of this title, provided the following conditions are met:

A. **Unsafe Structure:** Nothing in this title shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

B. **Alterations:** A nonconforming building or structure may be altered, improved or reconstructed; provided, such work is not, to any extent, exceeding, in aggregate cost, one hundred percent (100%) of the assessed value of the building or structure in any five (5) year period unless the building or structure is changed to a conforming use.

C. **Extension:** A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this title shall not be deemed the extension of such nonconforming use.

D. **Changes:** No nonconforming building, structure or use shall be changed to another nonconforming use.

E. **Restoration:** Nothing in this title shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God subsequent to the effective date hereof, wherein the expense of such work does not exceed one hundred percent (100%) of the replacement value of the building or structure at the time such damage occurred.

F. **Wear And Tear:** Nothing in this title shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof existing at the effective date hereof, rendered necessary by wear and tear, deterioration and depreciation.

G. **Abandonment:** A nonconforming use of a building or premises which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned:

1. When the intent of the owner to discontinue the use is apparent; or
2. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months unless other facts show intention to resume the nonconforming use; or
3. When it has been replaced by a conforming use; or
4. When it has been lawfully changed to another use.

H. **Displacement:** No nonconforming use shall be extended to displace a nonconforming use.

I. **Unlawful Use Not Authorized:** Nothing in this title shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the effective date hereof.

J. **District Change:** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein. (Ord. 379, 9-11-1979)

9-11-2: EXPANSION OF NONCONFORMING USES:

The governing board may authorize the issuance of a special use permit to expand a nonconforming building or a conforming building housing a nonconforming use upon submission of an application and after a public hearing. (Ord. 509, 3-7-2000)

CHAPTER 12

PROCEDURES FOR THE CONDUCT OF HEARINGS

SECTION:

9-12-1: Procedures For The Conduct Of Hearings

9-12-1: PROCEDURES FOR THE CONDUCT OF HEARINGS:

The following rules hereby established, shall be observed in the conduct of any public hearing before the governing board hereinafter referred to as the hearing body. The following rules shall be known as the "Filer Rules of Procedure". (Ord. 509, 3-7-2000)

A. No person shall be permitted to testify or speak before the hearing body at a public hearing, unless such person has signed his name and written his residential address thereafter on sign-up sheets to be provided by the city. This rule shall not apply to staff or technical witnesses directed by the presiding officer to give evidence or information to the hearing body.

B. No person shall be permitted to speak before the hearing body at a public hearing until such person has been recognized by the presiding officer.

C. All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will

be accurate and trustworthy.

D. Any exhibit introduced by any person shall be retained by the hearing body and made a part of the record therein.

E. The hearing body may establish a time limit to be observed by all speakers. The time limit may be established, depending upon the number of speakers who sign up for each public hearing and shall apply only to the speaker's comments.

F. The speaker shall not be interrupted by members of the hearing body until his time limit has been expended or until he has finished his statement.

G. At the conclusion of a speaker's comments, each member, when recognized by the presiding officer, may be allowed to question the speaker and the speaker shall be limited to answers to the questions asked. The question and answer period shall not be included in the speaker's time limit, as established.

H. Any person not conforming to any of the above rules may be prohibited from speaking before the public hearing. Should any person refuse to comply with such prohibition, he may be removed from the room by order of the presiding officer.

I. The approval or denial of any application requiring a public hearing provided for in this title shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation of the city.

J. The approval or denial of any application requiring a public hearing provided for in this title shall be in writing in the form of findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon and explain the justification for the decision based on the criteria, standards and facts set forth. The comprehensive plan, the zoning ordinance, the zoning map and all prior acts of the hearing body shall be considered and are a part of the record of any public hearing.

K. A transcribable verbatim record of the public hearing shall be made and kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for the retention of the record, any person may have the record transcribed at his expense. (1994 Code; amd. Ord. 509, 3-7-2000)

CHAPTER 13

AREA OF CITY IMPACT

SECTION:

9-13-1: Filer Area Of City Impact Boundary

9-13-2: Standards

9-13-3: Governing Plan, Policies, And Ordinances

9-13-4: Administration Of The Filer Area Of City Impact

9-13-5: Enforcement Within The Filer Area Of City Impact

9-13-6: Annexation

9-13-7: Renegotiation Of This Chapter

9-13-1: FILER AREA OF CITY IMPACT BOUNDARY:

The agreed upon area of city impact for the city of Filer is established and set forth herein and described as: the current adopted Filer Zoning/Area of City Impact map, adopted per Filer Ordinance No. 638, dated November 1, 2022 and the Filer Comprehensive map, adopted per Filer Resolution No. 646, dated November 1, 2022 or as herein after modified by the City of Filer and Twin Falls County ("Area of City Impact"). (Ord. 642, 2-5-2024)

9-13-2: STANDARDS:

The following standards shall apply whenever an agency, planning and/or zoning commission, hearing examiner, or governing body of the city of Filer or Twin Falls County considers a zone change, comprehensive plan change or request of any real property, planned unit development, vacations, rezones, special use permits, variances, and other such land use permit applications within the Filer Area of City Impact which is subject to this ordinance:

A. The city of Filer Comprehensive Plan;

B. The zoning and subdivision regulations set forth in Title 9 and 10 of the Filer City Code;

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 for any subdistricts or overlay districts applicable within the Area of City Impact. (Ord. 642, 2-5-2024)

9-13-3: GOVERNING PLAN, POLICIES, AND ORDINANCES:

A. Governing Plan: The City of Filer Comprehensive Plan, Comprehensive Plan Land Use Map, Zoning Districts Map,

Area of Impact Map, and Titles 9 and 10 of the Filer City Code shall comprise the governing plan and ordinance for the Filer Area of City Impact except as provided in subsection B below.

B. Within the Area of City Impact, any parcel of land used solely for agricultural uses and in excess of twenty (20) acres may continue said use until a change of use occurs. (Ord. 642, 2-5-2024)

9-13-4: ADMINISTRATION OF THE FILER 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 Titles 9 and 10 of the Filer City Code and to charge and collect fees for such administrative duties as adopted by reference herein for the Area of City Impact.

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

B. Commission:

1. The Board of Commissioners of Twin Falls County hereby appoints the Twin Falls County Planning and Zoning Commission to administer Titles 9 and 10 of the Filer City Code in the Area of City Impact.

2. All applications for subdivision of any real property, planned unit development, vacations, rezones, special use permits, variances, and other such land use permit applications shall be submitted to the Twin Falls County Community Development Services Director to process prior to submittal to the Twin Falls County Planning and Zoning Commission. All applications for subdivision of any real property, planned unit development, vacations, and rezones, shall be submitted to the Twin Falls County Planning and Zoning Commission for their consideration. The Board of County Commissioners of Twin Falls County may approve, deny, or remand an application that has been appealed to them. Twin Falls County shall provide the city of Filer with notice and an opportunity to provide comments on these applications no less than thirty (30) days prior to any Public Hearing before the Twin Falls County Planning and Zoning Commission or the Board of County Commissioners. (Ord. 642, 2-5-2024)

9-13-5: ENFORCEMENT WITHIN THE FILER AREA OF CITY IMPACT:

A. Twin Falls County shall be responsible for the administration and enforcement of the city of Filer ordinances listed in subsections 9-13-2A through D of this chapter within the Area of City Impact and shall collect and 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 a public or private entity to administer the County building code enforcement program within the Filer Area of City Impact pursuant to Idaho Code §39-4116. (Ord. 642, 2-5-2024)

9-13-6: ANNEXATION:

A. Annexation by the City of Filer shall be compliant with Idaho Code §§67-6509, 67-6526 and 50-222. Upon annexation, the provisions of this article, which is the agreement between the city of Filer and Twin Falls County, shall no longer apply to the annexed area.

B. The City of Filer shall send notice of all annexations, de-annexations, amendments, changes and updates to Title 9 of the Filer City Code and the Comprehensive Plan along with maps to the Twin Falls County Community Development Services office.

C. All applications and requests to Twin Falls County for subdivision of any real property, planned unit development, vacations, rezones, special use permits, variances, and other such land use permit applications and public notices within the Filer Area of City Impact shall be provided to the city of Filer with notice and an opportunity to provide comment on these applications no less than thirty (30) days prior to any Public Hearing before the Twin Falls County Planning and Zoning Commission or the Board of County Commissioners. (Ord. 642, 2-5-2024)

9-13-7: 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 Filer 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 pursuant to Idaho Code §67-6526(b). 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. 642, 2-5-2024)

FENCES, HEDGES AND WALLS

SECTION:

9-14-1: Fence Restrictions

9-14-2: Applicability of Provisions

9-14-3: Variances

9-14-4: Violation; Penalty

9-14-1: FENCE RESTRICTIONS ¹ :

A. It shall be unlawful to construct in any yard adjacent to a street, and within twenty feet (20') from the property line adjacent to such street, any fences, walls and hedges with a height above thirty six inches (36"). Fences, walls and hedges located in a yard area other than above described may be up to seven feet (7') in height.

B. All fences along the public right of way will be measured from and along the sidewalks or, if no sidewalk exists, from and along the curb or shoulder or the road. All other fences will be measured from and along the finished grade of the property along the fence.

C. Fences shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, electric wire, broken glass, spikes and any other hazardous or dangerous material. (Ord. 358, 5-3-77)

Notes

- ¹ 1. See also subsections 9-15-6H8, H9 and H10.

9-14-2: APPLICABILITY OF PROVISIONS:

This Chapter shall not apply to fences, walls or hedges in mobile home parks, as set forth in Chapter 15 of this Title. (Ord. 358, 5-3-77)

9-14-3: VARIANCES:

Upon written application by any individual whose property is affected by this Chapter, he/she may apply to the City Council for a variance in the height of fences, walls or hedges. The City Council shall grant a variance to any person when the height of the fence, wall or hedge will not cause visual obstruction to motorists on the streets. (Ord. 358, 5-3-77)

9-14-4: VIOLATION; PENALTY:

After discovery of any violation of this Chapter by the officers and/or employees of the City, the City Clerk shall notify the owner or occupant of the property of the violation of this Chapter and give said person ten (10) days in which to correct the violation. If the violation is not corrected, the City shall authorize their employees to bring the fence, wall or hedge in question into compliance. The costs and expenses shall then be assessed against the property, with the owner of the property being responsible therefor. (Ord. 358, 5-3-77)

CHAPTER 15

MOBILE HOMES AND MOBILE HOME PARKS

SECTION:

9-15-1: Definitions

9-15-2: Mobile Home Park Permit Requirements

9-15-3: Mobile Home Park License Requirements

9-15-4: Inspection Of Mobile Home Parks

9-15-5: Notices, Hearings And Orders

9-15-6: Environmental, Open Space And Access Requirements

9-15-7: Temporary Use For Residential Purposes

9-15-8: Temporary Use; Hardship

9-15-1: DEFINITIONS:

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

DEPENDENT MOBILE HOME OR DEPENDENT TRAILER COACH: A mobile home or trailer coach which does not have a toilet and a bathtub or shower.

DRIVEWAY: A minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.

INDEPENDENT MOBILE HOME OR INDEPENDENT TRAILER COACH: A mobile home or trailer coach that has a toilet and a bathtub or shower.

LICENSE: A written license issued by the City Council permitting mobile home parks to operate.

MOBILE HOME: A manufactured, transportable, single-family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal and electrical conveniences and so designed that it is or may be mounted on wheels and used as a conveyance on highways or City streets.

MOBILE HOME LOT: A plot of ground within a mobile home park designated for the accommodation of one single trailer coach or mobile home and for the exclusive use of its occupants.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes, are located and is owned by an individual, a firm, trust, partnership, public or private association or corporation.

MOBILE HOME STAND PAD: That part of an individual lot which has been reserved for the placement of one mobile home unit.

PARK MANAGEMENT: The person or persons who owns or has charge, care or control of the mobile home park or trailer court.

PARK STREET: A private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

PERMIT: A written permit issued by the City Council to construct, alter or extend a mobile home park.

PERSON: Any individual, firm, trust, partnership, public or private association or corporation.

SERVICE BUILDING: A building housing toilet facilities for men and women, with slop-water closet and laundry facilities, with separate bath or shower accommodations and such other facilities as may be required under this Chapter.

SEWER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

SEWER RISER PIPE: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

WATER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

WATER RISER PIPE: That portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot. (Ord. 288, 3-2-1971; amd. 1994 Code)

9-15-2: MOBILE HOME PARK PERMIT REQUIREMENTS:

A. Permit Required: It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the city unless he/she holds a valid permit issued by the governing board in the name of such person for the specific mobile home park for the specific construction, alteration or extension proposed. (Ord. 509, 3-7-2000)

B. Approval Of Adjacent Property Owners:

1. Mobile home parks may be allowed in the city if a showing is made to the satisfaction of the city council that such action will be compatible to the overall development of the area where the mobile home park is proposed to be constructed and will be in accordance with the general purposes of the zoning ordinances of the city, and providing that before a permit is issued by the city council, there shall be on file in the office of the city clerk the written consent of the owners of seventy five percent (75%) of the area of all the property within the boundary line of an area determined by the intersection of lines drawn three hundred feet (300') at right angles out from and parallel to all sides of the tract whereupon such mobile home park is to be erected or occupied.

Where dedicated street rights of way are encountered, they shall be included in establishing the three hundred foot (300') boundary line around the tract, but further, they shall not be included in any area calculation.

For a property that is partially within the boundary and partially outside the boundary, only that area within the prescribed three hundred foot (300') boundary is to be included in the percentage of area analysis.

The method as outlined herein, for establishing the three hundred foot (300') boundary lines applies for all the tracts of land, whether they be rectangular, curvilinear and irregular, and furthermore, the exterior boundary line may be rectangular, curvilinear and irregular and will not necessarily be in conformity with any surrounding lot, block and/or property lines.

2. In any area of the city, regardless of the zoning designation, each boundary of any mobile home park as defined in this chapter, must be at least two hundred feet (200') from the foundation of any permanent residential building located outside the mobile home park unless the mobile home park is separated from such permanent residential building by a natural or artificial barrier that meets the approval of the city council or unless seventy five percent (75%) or more of the property owners of the residential buildings in the area within the said two hundred feet (200') from such mobile home park gave consent thereto by a formal petition filed with the city council.

C. Contents Of Applications: All applications for permits shall contain the following:

1. Name and address of applicant.
2. Location and legal description of the mobile home park.
3. Complete engineering plans and specifications of the proposed park, showing, but not limited to, the following:
 - a. The area and dimensions of the tract of land.
 - b. The number, location and size of all mobile home lots.
 - c. The location and width of roadways and walkways or must conform to requirements of the state code .
 - d. The location of water and sewer lines and riser pipes.
 - e. Plans and specifications of the water supply and refuse and disposal facilities.
 - f. Plans and specifications of all buildings constructed or to be constructed within the mobile home park.
 - g. The location and details of lighting and electrical systems.
 - h. All plans and specifications to indicate distances, depths, setbacks, separations.
 - i. Double frontage lots backing on streets shall be prohibited from using exterior roadway as entrance or exit purposes.
 - j. All lot dimensions are to be shown on all lot lines.
 - k. Radii at curbs at street intersections at lot corners should be rounded as per state code requirements² .
 - l. Exterior boundaries of plat drawings must be tied to at least two (2) county or city monuments as per state code requirements³ .
 - m. All lots are to be numbered by progressive numbers in each block separately as per state code requirements. (Ord. 288, 3-2-1971; amd. 1994 Code)

D. Issuance Of Permit: When upon review of the application, the governing board is satisfied that the proposed plan meets with requirements of this chapter, a permit shall be issued. (Ord. 509, 3-7-2000)

Notes

- ¹ 1. I.C. §39-4109.
- ² 2. I.C. §39-4109.
- ³ 3. I.C. §39-4109.

9-15-3: MOBILE HOME PARK LICENSE REQUIREMENTS:

A. License Required: It shall be unlawful for any person to operate any mobile home park within the limits of the city unless he/she holds a valid license issued annually by the city council in the name of such person for the specific mobile home park. All applications for licenses shall be made to the city council which shall issue a license upon compliance by the applicant with the provisions of this chapter.

B. Notice Of Change Of Ownership; Transfer Fee: Every person holding a license shall give notice, in writing, to the city council within twenty four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application, in writing, for transfer of the license and deposit of a fee of ten dollars (\$10.00), the license shall be transferred if the mobile home park is in compliance with all applicable provisions of this chapter.

C. Contents Of License Application; Fee:

1. Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee of twenty five dollars (\$25.00) and shall contain: the name and address of the applicant; the location and legal description of the mobile home park and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways and other service facilities.

2. Applications for renewals of licenses shall be made, in writing, before December 1 of the year preceding, by the holders of the licenses, shall be accompanied by the deposit of a fee of twenty five dollars (\$25.00) and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

D. Notice Of License Violations, Revocation: Whenever, upon inspection of any mobile home park, the city council finds that conditions or practices exist which are in violation of any provisions of this chapter, the city council shall give notice, in writing, in accordance with section 9-15-5 of this chapter to the person to whom the license was issued that unless such

conditions or practices are corrected within a reasonable period of time specified in the notice by the city council, the license shall be suspended. At the end of such period, the City Council shall reinspect such mobile home park, and if such conditions or practices have not been corrected, it shall suspend the license and give notice, in writing, of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park except as provided in Section 9-15-5 of this Title. (Ord. 288, 3-2-71; 1994 Code)

9-15-4: INSPECTION OF MOBILE HOME PARKS:

A. The City Council and its agents are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter.

B. The City Council and its agents shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Chapter.

C. The City Council and its agents shall have the power to inspect the register containing a record of all residents of the mobile home park.

D. It shall be the duty of the park management to give the City Council and its agents free access to all lots at reasonable times for the purpose of inspection.

E. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his/her agent or employee access to any part of such mobile home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter. (Ord. 288, 3-2-71; 1994 Code)

9-15-5: NOTICES, HEARINGS AND ORDERS:

A. Whenever The City Council determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this Chapter, the City Council shall give notice of such alleged violation to the person to whom the permit or license was issued as hereinafter provided. Such notice shall:

1. Be put in writing.
2. Include a statement of the reasons for its issuance.
3. Allow a reasonable time for the performance of any act it requires.
4. Be served upon the owner or his/her agent as the case may require. Provided, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his/her last known address or when a copy thereof has been posted in a conspicuous place in or about the dwelling affected by the notice or when he/she has been served with such notice by any method authorized or required by the laws of this State.
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with regulations adopted pursuant hereto.

B. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter may request and shall be granted a hearing on the matter before the City Council. Provided, that such person shall file in the office of the City Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension except in the case of an order issued under subsection E of this Section. Upon receipt of such petition, the City Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed. Provided, that upon application of the petitioner, the City Council may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his/her judgment, the petitioner has submitted good and sufficient reasons for such postponement.

C. After such hearing, the City Council shall sustain, modify or withdraw the notice, depending upon its findings as to compliance or noncompliance with the provisions of this Chapter and of regulations adopted pursuant hereto. If the City Council should sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to subsection A4 of this Section shall automatically become an order if a written petition for a hearing shall not have been filed in the office of the City Council within ten (10) days after such notice is served. After a hearing in the case of any notice suspending any permit required by this Chapter or by any regulation adopted pursuant hereto, when such notice shall have been sustained by the City Council, the permit shall be deemed revoked. Any such permit which shall have been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing shall not have been filed in the office of the City Council within ten (10) days after such notice was served.

D. The proceedings at such a hearing, including the findings and decision of the City Council, and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the City Council, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the City Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this State.

E. Whenever the City Council finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as it may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this Chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately but, upon petition to the City Council, shall be afforded a hearing as soon as possible. The provisions of subsections C and D of this Section shall be applicable to such hearing and the order issued thereafter. (Ord. 288, 3-2-71; 1994 Code)

9-15-6: ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS:

A. General Requirements: Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or

other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

B. Soil and Ground Cover Requirements: Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screening or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

C. Site Drainage Requirements: Site drainage requirements shall be constructed according to a plan approved by the City Engineer.

D. Park Areas for Nonresident Users:

1. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

2. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

E. Required Separation Between Mobile Homes:

1. Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen feet (15'); provided, that mobile homes placed end-to-end may have a clearance of ten feet (10') where opposing rear walls are staggered.

2. An accessory structure, such as an awning, cabana, storage cabinet, carport, windbreak and porch, which has a floor area exceeding twenty five (25) square feet and has an opaque top or roof shall, for purposes of all separation requirements, be considered to be part of the mobile home.

F. Required Recreation Areas:

1. In all parks accommodating or designed to accommodate fifteen (15) or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.

2. The size of such recreation areas shall be based upon a minimum of one hundred (100) square feet for each lot. No outdoor recreation area shall contain less than one thousand five hundred (1,500) square feet.

3. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

G. Required Setbacks, Buffer Strips and Screening:

1. All mobile homes shall be located at least twenty five feet (25') from any park property boundary line abutting upon a public street or highway and at least twenty five feet (25') from other park property boundary lines.

2. There shall be a minimum distance of fifteen feet (15') between the mobile home stand and abutting park street.

3. All mobile home parks shall be provided with screening, such as fences or natural growth, along the property boundary line separating the park and such adjacent nonresidential uses.

H. Park Street System and Car Parking:

1. General Requirements: All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means in conformance to City codes.

2. Park Entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of one hundred feet (100') from its point of beginning unless the park entrance is at least thirty four feet (34') wide (curb face to curb face).

3. Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic and, in any case, shall meet the following minimum requirements:

a. All streets, except minor streets - 40 feet (curb face to curb face).

b. Minor streets - 36 feet (curb face to curb face).

c. Street right-of-way width is to be measured from property line to property line. The minimum right of way of streets so measured shall be:

For local or minor streets 60 feet

For collector or secondary streets 60 feet

d. Dead-end streets shall be limited in length to four hundred feet (400') and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty feet (80'), curb face to curb face, and a street property line diameter of at least ninety feet (90').

e. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty degrees (80°).

4. Mobile Home Parking:

a. It shall be illegal to park a mobile home less than fifteen feet (15') from any street or highway right of way or so that any part of such mobile home will obstruct any roadway or walkway.

b. It shall be illegal to allow any mobile home to remain in a mobile home park unless a mobile home space is available.

c. Each mobile home space shall contain a minimum of: single unit - two thousand four hundred (2,400) square feet; double unit - three thousand six hundred (3,600) square feet, shall be at least thirty feet (30') in width and shall be at least eighty feet (80') in length, or large enough to accommodate the size mobile home so placed that no part of the mobile home will extend within the limits set forth in this Chapter. Each mobile home shall be placed as to provide the necessary clearance as provided in this Chapter.

d. Each mobile home space in any mobile home park shall be provided with an asphalt or concrete paved area of at least one hundred eighty (180) square feet at the entranceway into the mobile home itself.

e. No mobile home shall be placed on any lot in such a manner as to encroach beyond the setback provisions of this Chapter.

5. Car Parking: Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests.

a. Off-street parking shall be provided at the rate of two (2) car spaces for each mobile home lot.

b. Off-street parking shall be located within a distance of two hundred feet (200') from the mobile home to be served unless other vehicular access is provided.

6. Required Illumination of Park Street Systems: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

a. All parts of the park street systems: One and one-half ($1\frac{1}{2}$) foot-candles, with a minimum of one foot-candle.

b. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individual illuminated, with a minimum of one and one-half ($1\frac{1}{2}$) foot-candles.

7. Street Construction and Design Standards: Shall conform to the following minimum standards:

a. Pavements: All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

b. Grades: Shall conform with minimum standards of State Code¹. Grades of all streets shall be sufficient to insure adequate surface drainage but shall not be more than minimum street grade of one-fourth percent (0.25%) with a maximum grade being seven percent (7%) for secondary and major streets and ten percent (10%) for local or minor streets. Where the observance of these standards is impossible, the City Engineer shall review the situation before an exception may be granted.

c. Intersections: Within one hundred feet (100') of an intersection, streets shall be at approximately right angles, a distance of at least one hundred fifty feet (150') shall be maintained between center lines of offset intersecting streets, intersections of more than two (2) streets at one point shall be avoided.

8. Fence Location, Height and Density²: In any yard adjacent to a street and within ten feet (10') from the property line adjacent to such street, fences, walls and hedges may be up to forty eight inches (48") in height, when that portion of the fence above twenty four inches (24") is at least seventy five percent (75%) open when measured at ninety degrees (90

o) to the fence. Fences located in a yard area, other than above described, may be up to seven feet (7') in height.

9. Measurements of Height of Fences: All fences along a public right of way will be measured from and along the sidewalk or, if no sidewalk exists, from and along the curb. All other fences will be measured from and along the finished grade of the property along the fence.

10. Fence Materials: Fences shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, electric wires, broken glass, spikes and any other hazardous or dangerous material.

I. Walks:

1. General Requirements: All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradients shall be avoided.

2. Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of five feet (5') and shall be constructed of concrete.

3. Individual Walks: All mobile home stands shall be connected to common walks, to paved streets or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of three feet (3').

J. Mobile Home Stands: The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

1. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure.

2. The mobile home stand shall be provided with anchors and tie-downs, such as cat-in-place concrete, "dead men", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home.

3. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand, and each shall be able to

sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds. (Ord. 288, 3-2-1971; 1994 Code)

Notes

1. I.C. §39-4109.
2. See also Chapter 14 of this Title.

9-15-7: TEMPORARY USE FOR RESIDENTIAL PURPOSES:

Trailers may be used for residential purposes on a temporary basis upon application to and approval by the City Council. Said approval may be granted for a specific time period not to exceed one hundred eighty (180) days and only after an emergency such as fire, flood or tornado where the permanent residence located on the property has been rendered uninhabitable. (Ord. 448, 7-15-1993)

9-15-8: TEMPORARY USE, HARDSHIP:

A special use permit may be granted to allow the temporary placement of a mobile home if necessary for the care of the elderly, physically or mentally disabled, or for medical care. Said mobile home must comply with Building Code and Health Department requirements. The special use permit will terminate and the mobile home removed upon termination of the hardship condition. (Ord. 488, 9-9-1997)

CHAPTER 16

SIGNS

SECTION:

9-16-1: Purpose

9-16-2: Sign Regulations

9-16-1: PURPOSE:

The intent of the standards set forth in this chapter are as follows:

- A. To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs.
- B. To encourage the use of signs that enhance the visual environment of the city.
- C. To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings.
- D. To protect the public interest and safety. (Ord. 511, 7-6-2000)

9-16-2: SIGN REGULATIONS:

- A. No sign shall be allowed unless it conforms to the structural requirements of the building code and the provisions contained herein.
- B. Traffic-control signs conforming to the Manual of Uniform Traffic Control Devices which are installed or approved by the city shall not be required to conform to these regulations.
- C. A property may have a maximum total signage of two hundred (200) square feet.
- D. All signs, except permitted off-premises signs, shall pertain only to the use or products located on the same property as the sign. Provided, however, that any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy.
- E. The light from an allowed illuminated sign shall be arranged, directed and such intensity that it does not create a hazard, nuisance or other adverse effect on adjacent property, motor vehicles or approved traffic-control devices.
- F. No sign shall be animated, flashing or rotating. Message centers and signs depicting time and/or temperature shall not be considered as animated but shall not flash or rotate.
- G. No sign shall project beyond the property line or on any public right of way. No sign shall project closer than two feet (2') to a vertical line projected from the face of a curb, or if no curb exists, the face of the future curb as determined by the city. No sign foundations shall encroach into public right of way.
- H. No sign located within eight feet (8') of the curb or future curb line shall have a sign face located between a point three and one-half feet (3¹/₂') and a point eight feet (8') above the top of the existing or future curb as determined by the city. (Ord. 511, 7-6-2000)

CHAPTER 17

WELLHEAD PROTECTION OVERLAY ZONE

SECTION:

9-17-1: Purpose

9-17-2: Definitions

9-17-3: Establishment

9-17-4: Wellhead Protection Overlay Zone A

9-17-5: Wellhead Protection Overlay Zone B

9-17-6: Wellhead Protection Overlay Zone C

9-17-7: Wellhead Protection Overlay Zone D

9-17-8: Nonconforming Uses

9-17-1: 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 ground water protection/pollution abatement and control procedures. Specific goals are to protect human life and health, to ensure that the public is provided with a sustainable, safe potable water supply, to minimize expenditure of public money for pollution remediation projects, to minimize regulations on land, and to minimize business interruptions. (Ord. 527, 8-6-2002)

9-17-2: DEFINITIONS:

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in part 40, chapter 260.1, CFR.

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 part 40, chapter 261.3 of the CFR, or any material or substance designated as a hazardous or toxic substance by the state of Idaho, DEQ.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATION: As defined in the county ordinance.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption.

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.

STORM WATER RUNOFF: Water discharged as a result of rain, snow, or other precipitation.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three (3) criteria: It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and, it is deeper than its largest straight line surface dimension; and, it is used for or intended to be used for injection.

WELLHEAD PROTECTION OVERLAY ZONE: A zoning designation on the zoning map that modifies the basic underlying designation in some specific manner. The map will define specific area zones centering around wells supplying drinking water to the public water system.

WELLHEAD PROTECTION OVERLAY ZONE A: A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to the public water supplies.

WELLHEAD PROTECTION OVERLAY ZONE B: A three (3) year "time of travel" (TOT) zone.

WELLHEAD PROTECTION OVERLAY ZONE C: A six (6) year "time of travel" (TOT) zone.

WELLHEAD PROTECTION OVERLAY ZONE D: A ten (10) year "time of travel" (TOT) zone. (Ord. 527, 8-6-2002)

9-17-3: ESTABLISHMENT:

There is hereby established a wellhead protection overlay zone identified and described as all the area shown on the Filer city and area of impact zoning map. It is further established that these areas be composed of four (4) subzones: "wellhead protection overlay zone A", "wellhead protection overlay zone B", "wellhead protection overlay zone C", and "wellhead

protection overlay zone D", as they are defined herein. (Ord. 527, 8-6-2002)

9-17-4: WELLHEAD PROTECTION OVERLAY ZONE A:

Uses permitted within wellhead protection overlay zone A 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. (Ord. 527, 8-6-2002)

9-17-5: WELLHEAD PROTECTION OVERLAY ZONE B:

The following uses or conditions shall be and are hereby prohibited within wellhead protection overlay zone B:

All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water.

Disposal of waste oil, oil filters, tires and all other petroleum products.

Existing septic tanks or drain fields shall not be closer than one hundred feet (100') of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred feet (200') away from the wellhead.

Existing sewer lines shall not be closer than one hundred feet (100') of a wellhead or of new sanitary systems and sewer lines shall not be closer than one hundred fifty feet (150') of a wellhead.

Hazardous waste disposal facilities.

Injection wells unless they are closed systems.

Junk or salvage yards.

Livestock confinement operations.

Sanitary landfills. (Ord. 527, 8-6-2002)

9-17-6: WELLHEAD PROTECTION OVERLAY ZONE C:

The following uses or conditions shall be and are hereby prohibited within wellhead protection overlay zone C:

Hazardous waste facilities.

Injection wells, except for deep well injection (below 18 feet in depth) geothermal heat, heat pump return, and cooling water return, and except for shallow well injection for storm runoff, aquifer recharge, aquifer remediation and septic systems.

Land use activities posing a hazard or threat to existing ground water quality.

Sanitary landfills. (Ord. 527, 8-6-2002)

9-17-7: WELLHEAD PROTECTION OVERLAY ZONE D:

The following uses or conditions shall be and are hereby prohibited within wellhead protection overlay zone D:

Injection wells, except for deep well injection (below 18 feet in depth) geothermal heat, heat pump return, and cooling water return, and except for shallow well injection for storm runoff, aquifer recharge, aquifer remediation and septic systems.

Land use activities posing a hazard or threat to existing ground water quality. (Ord. 527, 8-6-2002)

9-17-8: NONCONFORMING USES:

Any legal use existing at the time of the adoption of this chapter 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. (Ord. 527, 8-6-2002)

CHAPTER 18

PLANNED ZERO LOT LINE SUBDIVISION

SECTION:

9-18-1: Planned Zero Lot Line Dwelling Development Standards

9-18-1: PLANNED ZERO LOT LINE DWELLING DEVELOPMENT STANDARDS:

Zero lot line dwellings shall be subject to requirements set forth in this chapter and also subject to all provisions contained herein.

A. Site Development Plan: Anyone proposing a zero lot line dwelling shall provide the City Council with the following:

1. Plat Map with building envelopes and setback to show location of each zero lot line dwelling.
2. Common wall agreement that is acceptable to the City Council.

B. Requirements:

1. Lot Area: R1 - the minimum lot area shall be six thousand (6,000) square feet for a one dwelling unit.

2. Side Yard: No building is allowed within ten feet (10') of the side opposite the zero lot line.
 3. Front Yard: Same as in chapter 6 of this title as specified in each zone.
 4. Rear Yard: Same as in chapter 6 of this title as specified in each zone.
 5. Zero Side Yard: The zero side yard cannot be adjacent to a public or private right-of-way.
 6. Windows: No window shall be placed on the zero lot line.
 7. Setback: No accessory building shall be placed in the ten foot (10') side yard area as required above.
 8. Lot Coverage: No dwelling including its accessory buildings shall occupy more than sixty percent (60%) of the lot.
- C. Conversion Of Existing Two-Family Dwellings To Zero Lot Line Dwellings: An existing two-family dwelling may be converted to a zero lot line dwelling on the following terms and conditions:
1. Each resulting zero lot line dwelling being granted special use permits, if a special use permit is required by this title.
 2. The applicant(s) must demonstrate to the satisfaction of the City Council that the zero lot line dwellings comply with the requirements of the currently adopted International Building Code. (Ord. 618, 10-17-2018)

CHAPTER 19

REQUIRED IMPROVEMENTS

SECTION:

9-19-1: Improvements Required

9-19-2: Building Requirements For Commercial Buildings

9-19-3: Landscaping

9-19-4: Screening

9-19-5: Parking Areas

9-19-6: Streets

9-19-7: Sanitation Facilities

9-19-8: Water And Sewer

9-19-9: Drainage And Stormwater Management

9-19-10: Pressurized Irrigation

9-19-1: IMPROVEMENTS REQUIRED:

The improvements herein shall be required whenever a building or structure is constructed, placed, erected or enlarged or when there is a change of use of a building, structure or parcel of land. Unless otherwise provided, all required improvements shall be a condition of any building permit and they shall be completed prior to final inspection and occupancy of the building. If cost of improvements required by sections 9-19-3 through 9-19-7 of this chapter exceeds twenty five percent (25%) of the cost of the proposed private improvements, an agreement may be negotiated to allow the required improvements to be staged over a period of time not to exceed three (3) years. Whenever a building is constructed, placed, erected or enlarged and that building is in an isolated or undeveloped area, public improvements may be deferred by the council in cases where a deferral would otherwise be unavailable. Any improvements required by sections 9-19-3 through 9-19-7 of this chapter are not required for minor modifications or additions to existing buildings or structures when the modifications and improvements do not constitute more than a twenty-five-percent (25%) increase over the square footage of the existing buildings or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, within any twelve (12) month period from date of completion or other expansion.

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 by sections 9-19-3 through 9-19-7 of this chapter shall be provided for the building being expanded only. If the expansion is greater than ten thousand (10,000) square feet or greater than twenty five percent (25%) of the combined footage of all buildings, the improvements required by sections 9-19-3 through 9-19-7 of this chapter shall be provided for the entire premises. (Ord. 635, 10-4-2022)

9-19-2: BUILDING REQUIREMENTS FOR COMMERCIAL BUILDINGS:

A. Exterior Appearance of Buildings and Structures:

1. Primary exterior materials shall conform to the requirements found in this chapter.
2. Secondary materials used on the facade of a building are those that comprise less than ten percent (10%) of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, cedar or similar quality

decorative wood, stucco, EIFS, or other materials as approved by the planning and zoning administrator or his/her designee.

3. All buildings with a footprint of less than ten thousand (10,000) square feet shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a three (3) in twelve inch (12") minimum slope. Wood shingles are prohibited.

4. All buildings with a footprint of ten thousand (10,000) square feet and greater shall incorporate sloped roof elements including, but not limited to, pitched roofs on towers or arcades, sloped awnings, or sloped parapets. The sloped elements shall be provided along a minimum of sixty percent (60%) of each wall's length. All sloped roof elements shall have a three (3) in twelve inch (12") minimum slope. Wood shingles are prohibited.

5. In the C-1 AND M-1 zoning districts, an articulated parapet wall or cornice may be used in place of the sloped roof as required in subsections A3 and A4 of this section.

6. All buildings shall be designed to incorporate a form of architectural articulation every thirty feet (30'), both horizontally along each wall's length and vertically along each wall's height. Acceptable articulation may include the following:

- a. Canopies, awnings, or porticos;
- b. Recesses/projections;
- c. Arcades;
- d. Arches;
- e. Windows will follow the IBC section 2406.3 which will require safety/tempered glazing for most windows within eighteen inches (18") of the floor;
- f. Architectural details (such as tile work and moldings) integrated into the building facade;
- g. Articulated ground floor levels or base;
- h. Articulated cornice line;
- i. Integrated planters or wing walls that incorporate landscape and sitting areas;
- j. Offsets, reveals or projecting rib used to express architectural or structural bays;
- k. Accent materials (minimum 15 percent of exterior facade);
- l. Varied roof heights; or
- m. Other architectural features approved by the director of planning, or his/her designee.

7. All buildings shall be architecturally finished on all three (3) sides with the same materials, detailing, and features. The wall which faces the opposite (rear) of a public right of way of a building may be architecturally finished to match the remainder of the building in color only.

8. Windows shall have a maximum exterior visible reflectivity of twenty percent (20%), unless otherwise approved by the planning and zoning administrator or his/her designee. The intent of this provision is to prevent the safety hazard of light reflecting from the windows onto adjacent roadways.

9. All retail/commercial buildings with facades greater than two hundred feet (200') in length shall incorporate wall plane projections or recesses that are at least six feet (6') deep. Projections/recesses must be at least twenty five percent (25%) of the length of the facade. No uninterrupted length of facade may exceed one hundred feet (100') in length. This requirement does not apply to buildings developed and occupied entirely for office uses.

10. All buildings within a common development, as shown on a concept plan or preliminary site plan, shall have similar architectural styles, materials, and colors.

a. Conceptual facade plans and sample boards shall be submitted with the preliminary site plan application for all nonresidential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.

b. A final facade plan and sample boards shall be submitted with the final site plan application for all nonresidential uses. Facade plans will be used only to ensure minimum standards are met.

11. All primary exterior materials shall be of natural texture and earth toned colors.

12. Corporate identities that conflict with the building design criteria shall be reviewed on a case by case basis and approved by the planning and zoning administrator or his/her designee.

Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.

B. Exterior Construction Of Main Buildings:

1. The exterior facades of a main building or structure, excluding glass windows and doors, in the C-1 and M-1 zoning

districts shall be constructed of one hundred percent (100%) masonry, unless otherwise specified in this title. Cementitious fiberboard is considered masonry, but may only constitute fifty percent (50%) of stories other than the first story. Cementitious fiberboard may also be used for architectural features, including window box outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the plan reviewer. Wood roof shingles are prohibited.

2. Metal buildings are permitted in the R-1 zoning district upon review by the planning and zoning commission and approval by the city council subject to:

- a. The maximum height of metal buildings is thirty-five feet (35');
- b. The lot on which the building is constructed must have frontage only on streets with fifty feet (50') of right of way or greater;
- c. The lot containing a metal building shall be three hundred feet (300') from all zoning districts except light industrial;
- d. The wall of the building facing the street must be one hundred percent (100%) masonry, or stucco; and
- e. Other walls of the building visible from a street must have trees planted on thirty foot (30') centers within twenty five feet (25') of the building.

3. Exterior construction of maintenance buildings for golf courses, public or parochial schools, churches, or the city of Filer may be metal upon issuance of a special use permit. Exterior construction of buildings used for agricultural purposes in conjunction with a school may be metal upon issuance of a special use permit. If an expansion or an addition to an existing metal building is not greater than ten percent (10%) or seven thousand (7,000) square feet, whichever is greater, the masonry requirements shall not apply to the expansion or addition to the existing metal building.

4. The city council may approve materials which are equivalent to, or exceed, the standards set forth in this section. (Ord. 635, 10-4-2022)

9-19-3: LANDSCAPING:

A. Minimum Standards: The required minimum size landscaped area shall, as a minimum, have the following plant life:

1. One tree per five hundred (500) square feet of landscaped area. At least fifty percent (50%) of the required trees shall be evergreens. All trees shall have a height of at least four feet (4') when planted.

2. One bush per three hundred (300) square feet of landscaped area. At least fifty percent (50%) of the required bushes shall be evergreens.

3. The commission and/or design review committee may approve alternative plans or designs to allow innovative landscaping.

B. Approval And Completion:

1. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the development map whenever a subdivision application is submitted for approval. A landscaping 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 a building.

2. Landscaping conforming to the approved landscaping plan shall be completed before a certificate of occupancy is issued for the appurtenant building or at such other time as may be agreed upon in writing by the administrator and landowner; however, said agreement shall not extend the completion date beyond the next normal planting season for the proposed vegetation.

3. All landscaping shall be maintained in a manner consistent with the minimum requirements of this section for as long as the building is occupied. (Ord. 635, 10-4-2022)

9-19-4: SCREENING:

A. Screening Required:

1. Screening shall be required between any residential use and any trade or manufacturing use in adjacent zoning districts or any zoning district where both such uses are permitted outright and may be required around any special use. The trade, manufacturing or special use shall provide any required screening. Screening shall not be required if a public trafficway other than a service road separates the two (2) uses.

2. Screening shall be required between a Mobile Home Park and any other zoning district provided by the Mobile Home Park developer.

3. No wrecking yard or wrecking house or junkyard or junk house shall be established unless the same shall be completely surrounded by a fence of wood, concrete or slatted chain-link not less than eight feet (8') in height from the level of the ground and completely obscuring the wreckage and parts therein from outside view.

B. Minimum Standards:

1. Screening shall be a minimum six foot (6') fence or wall or a landscaped area or any combination thereof. If it is a fence or wall it shall be constructed of wood, solid vinyl, metal, concrete or concrete block. If it is a landscaped area, it shall

be evergreen bushes or trees and may include an earthen berm.

2. Whenever bushes or trees are used as screening, the screening height may not be less than three feet (3') at the time of planting, providing a minimum height of six feet (6') is achieved within six (6) years after planting.

3. Screening shall completely obscure objects inside the screened area when viewed from any angle outside the screened area and shall be constructed so as to reduce noise, lights and blowing trash.

C. Exceptions: Screening shall not be constructed so as to create a traffic hazard and it shall conform to the height restrictions in the chapters establishing dimensional standards in zoning districts. (Ord. 635, 10-4-2022)

9-19-5: PARKING AREAS:

A. Pedestrian Access: Access to each building shall be provided by connecting the principal entrance into each building to the parking areas intended for the use of the occupants with a sidewalk that is not more than three hundred feet (300') in length.

B. Surfacing: All parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material. In the R-1 zoning district the requirement does not apply.

C. Striping: Parking areas that are intended to provide more than ten (10) spaces on a single site shall be marked off with a four inch by fifteen foot (4" x 15') long painted stripe along the sides of each parking space.

D. Lighting: Parking areas that are intended to provide more than eighteen (18) spaces on a single site shall have lighting that will provide at least one foot-candle of light at the ground surface on the entire parking site. Lighting shall be screened so that it does not directly illuminate any adjacent residential uses with more than one-fourth (0.25) of a foot-candle and so that it does not create a traffic hazard.

E. Vehicle Access:

1. Any motor vehicle entrance to a public trafficway from private property shall be considered a driveway approach and shall conform to the standards established herein.

2. The city engineer shall establish construction standards for all driveway approaches. The standard depressed curb type approach shall be constructed unless otherwise directed by the city engineer. The city engineer may require an arterial street driveway approach, with rounded curbing when traffic conditions on arterial streets warrant a more rapid entrance and exit through the driveway approach. This decision of the city engineer requiring an arterial street driveway approach may be appealed to city council. Nothing in this subsection should be construed to prevent the construction of an arterial street driveway approach, if desired by the property owner.

3. The City Engineer may allow driveway approaches conforming to the following standards, providing they do not pose any unusual traffic hazards:

a. Residential use driveway approaches: Shall not exceed twelve feet (12') for a single drive or twenty feet (20') for a double drive. Joint use drives between two (2) separate properties to serve multi-family residences will be allowed; however, the total width of the curb cut shall not exceed forty feet (40'). There shall be at least twenty-five feet (25') between driveways entering curb between the end of a driveway and the end of a corner radius and at least two feet (2') between the end of a driveway and side property line.

b. Commercial and manufacturing use driveway approaches: Shall not exceed forty feet (40') nor be less than thirty feet (30') except one-way approaches which shall not be less than twelve feet (12'). There shall be at least twenty-five feet (25') of curb between driveways and at least eighteen feet (18') of straight curb between the end of driveways and the end of a corner radius and at least thirteen feet (13') between the end of a driveway and a side property line when parking is allowed on the street.

c. The City Engineer may allow curb cuts up to sixty-five feet (65') for commercial or industrial drives where it appears that it is necessary to accommodate large trucks and trailers and to reduce the distance between a commercial or industrial driveway and a side property line when on street parking is not allowed or not practical because of existing conditions. The public welfare, safety and convenience shall be considered in granting such applications.

d. The City Engineer may allow additional driveway width under the following conditions: the street is not an arterial or collector street; the traffic generated by the land use is minimal (no high traffic generating retail trade uses, services, residential uses or public assembly); a parking plan is submitted and adhered to that conforms to section 9-19-4 of this title; and driveways conform to standard slope and height dimensions to control drainage. (Ord. 635, 10-4-2022)

9-19-6: STREETS:

A. Adequate Access: No building shall be constructed or erected on a lot in a zoning district unless adequate access to a fifty foot (50') wide minimum standard all weather public trafficway is provided. Said access may be a private drive providing such drive conforms to the following chart and must be approved by the Public Works Supervisor, City Engineer and Fire Chief:

Private Driveway Length

Width	100'	150'	200'	250'	300'
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15'	5 units	4 units	n/a	n/a	n/a
20'	8 units	7 units	6 units	n/a	n/a
25'	10 units	10 units	8 units	8 units	n/a
30'	12 units				

In commercial and manufacturing zoning districts, a private drive may not exceed three hundred feet (300') in length, must have a width of twenty feet (20') for one-way traffic and twenty five feet (25') for two-way traffic and may not serve a total building area of over fifty thousand (50,000) square feet.

The City Council may approve additional driveway length in excess of three hundred feet (300') in cases where isolated parcels of land cannot be developed with minimum fifty foot (50') dedicated right-of-way.

Such a private drive shall be surfaced with Portland concrete or asphaltic concrete. No zoning subdistrict will be allowed that does not have direct access to a fifty foot (50') wide minimum standard all weather paved public trafficway.

B. Curb, Gutter And Sidewalk:

1. New curbs, gutters and sidewalks shall be constructed at the expense of the property owner with, and at the same time as, all new construction or modification of existing buildings in accordance with City standards on all streets, within and adjacent to the development, and in all zoning districts except the Agricultural District, for all land uses, except where the Public Works Director determines that, due to the location or character of the development, new curbs, gutters and/or sidewalks need not be constructed.

2. The City Engineer may defer the construction of required curbs, gutters and/or sidewalks until other curbs, gutters and/or sidewalks are constructed adjacent to other lands in the neighborhood under any one or more of the following conditions:

a. If the total length of existing curb-gutter on both sides of the street in an existing development plus the length of the property in question is less than forty percent (40%) of the total property length adjacent to a standard block unless the curb-gutter will connect to an existing curb-gutter section. The standard block shall be the distance between two (2) intersecting streets or four hundred feet (400') whichever is less. The same criteria shall apply separately to sidewalks. All curb-gutter to be considered as existing shall be acceptable line and grade.

b. If another governmental agency having jurisdiction over a particular street requests the curb-gutter be deferred.

c. If existing curbs, gutters and/or sidewalks are in good repair and to an acceptable line and grade that conforms to the line and grade of other curbs, gutters and/or sidewalks in the standard block, it may be retained.

3. Curbs, gutters and sidewalks shall not be required or allowed to be constructed or may be deferred if, in the opinion of the City Engineer, the improvement would create a traffic hazard or an unusual drainage problem.

C. Construction Standards For Vertical And Rolled Curb: Both vertical and rolled curbs shall be allowed in the City in accordance with the provisions of this Code and in conformance with the standard construction design and specification for the same, as are on file in the City Engineer's Office. The most recent construction design and specifications shall prevail. Standard detail C-2 (4 inch rolled curb) shall be used only when the following applicable conditions are met:

1. On local residential streets in new developments, when the top of curb to top of curb street drainage capacity is not exceeded by the peak flow generated during a 50-year 24-hour storm. It shall be the developer's engineering consultant's responsibility to compile and submit drainage calculations to the City for review and approval.

2. On residential cul-de-sac streets in new developments that meet the drainage requirements set forth in subsection C1 of this section.

3. On local residential streets in existing developments where no curb or gutter exists in the block under consideration and a study by the City Engineer indicates that the proposed installation will meet the drainage requirements set forth in subsection C1 of this section.

4. In all cases four inch (4") rolled curb shall be transitioned into six inch (6") vertical curb around all curb returns.

D. Public Improvement Requirements: In areas where two (2) or more zoning districts and said zoning districts have different public improvement requirements, the Council may impose the least restrictive requirement if the Council finds that imposition of the least restrictive requirements will further the policies and purposes described in this title. (Ord. 635, 10-4-2022)

9-19-7: SANITATION FACILITIES:

A. Waste Pens: A waste pen of sufficient size to accommodate all trash or solid waste stored on the premises shall be provided in any zoning district except buildings containing two (2) or less household units. All waste pens shall be completely surrounded with a well maintained fence or wall of a type that will completely obscure from view all trash and waste stored in the pen.

B. Incinerators: Incinerators or trash burners shall not be permitted within the city limits of Filer.

C. Wastewater: Overflow of water from air conditioners or other sources of wastewater shall not be permitted to

discharge into alleys or street gutters. (Ord. 635, 10-4-2022)

9-19-8: WATER AND SEWER:

All buildings intended for human occupancy shall have adequate sanitary facilities. Such facilities shall be connected to an approved domestic water source conforming to the water regulations of the City and to an approved wastewater system conforming to the wastewater regulations of the City and health authority. (Ord. 635, 10-4-2022)

9-19-9: DRAINAGE AND STORMWATER MANAGEMENT:

A. Best Management Practices: Building sites shall use best management practices (BMPs) to retain as much stormwater as possible on the property.

B. Highway Drainage: Drainage to a state highway shall be subject to the regulations of the Idaho transportation department. Necessary permits shall be acquired by the developer.

C. Road Drainage: Drainage to a road under the care, custody and control of the Filer Highway District shall be subject to their regulations. Necessary permits shall be acquired by the developer.

D. Drainage To U.S. Waters Or Canals: No drainage shall be allowed from a building site directly to any waters of the United States or to any privately owned canal system.

E. Residential Subdivisions:

1. All residential subdivisions shall design and construct stormwater retention facility or facilities to retain the 100-year 24-hour rainstorm event.

2. The stormwater shall be detained and released over a forty-eight (48) hour period or at a rate that is approved by the Twin Falls Canal Company or by any other entity that may govern the waterway downstream.

3. The stormwater dischargers releasing water from their retention area shall use best management practices (BMPs) to reduce the amount of pollutants from the water. Discharge water quality shall comply with the most current regulations or standards that may apply.

4. The retention facilities shall also have an overflow device that can convey the 100-year 24-hour rainstorm event, without damage to the retention facility. This structure should be designed to minimize any downstream safety problems.

5. Storm sewers shall be placed in a public right of way or minimum fifteen foot (15') wide easement. Easements shall also be required for the retention areas. The city reserves the right to modify the retention facilities to stay in compliance with any state or federal regulation.

F. Commercial And Industrial Developments: All commercial and industrial developments shall design and construct stormwater retention facilities to retain the 100-year 24-hour rainstorm event. No discharge of stormwater will be allowed from these areas.

G. Procedure For Review And Approval Of The Stormwater Management Plan: Review and approval by the city does not constitute an engineering review of project plans and calculations. The review is for the purpose of ensuring general conformance to city policies and requirements. The submitting engineer is solely responsible for the design. All submissions to the city shall be stamped by a professional engineer registered in the state of Idaho. The following shall be submitted to the city:

1. Topographic survey of the development showing all drainage and irrigation water conveyance systems within the area encompassed by a line two hundred feet (200') outside the property line.

2. Peak flow calculations, with peak flows delineated on the drawings.

3. Runoff volume calculations.

4. Plans and profiles of new or modified drainage and irrigation water conveyance systems.

5. Plans, profiles and calculations for stormwater retention or detention facilities.

6. Flood routing computations for the 100-year 24-hour rainstorm event through any existing drainage conveyance systems.

7. Maintenance and operation manuals for stormwater facilities.

8. Infiltration rates where applicable.

9. Seasonal high ground water table elevations where applicable. This applies when the absorption of stormwater is used as a best management practice. Facilities using absorption designs shall not intercept the post development ground water table. The bottom of the facility shall have a minimum four foot (4') vertical separation from the seasonal high ground water elevation and bedrock. The four foot (4') separation between the bottom of the facility and the seasonal high ground water table shall contain a sandy loam material to treat the water prior to entering the ground water. If the best management practices are utilized to pretreat the water prior to discharge into the absorption facility, the requirement for four feet (4') of sandy loam will be waived. The seasonal high ground water table elevation shall be established and used for the facility design. The elevation of the seasonal high ground water table shall be determined by a monitoring well established at the facility site and monitored during the high ground water season. The high ground water elevation shall be shown on the

plans and be referenced to a nearby bench mark, the latitude and longitude of the well shall be shown on the plans. If ground water is encountered during construction of the facility at an elevation higher than that shown on the plans, the facility shall be redesigned to account for the higher elevation.

10. Soil classifications where applicable.
11. Flood routing of the 100-year 24-hour rainstorm event to the ultimate drainage system.
12. Copies of associated permits and discharge agreements.
13. Copy of the pollution prevention plan that is on file with the EPA for the development.

Prior to beginning of construction on any development site larger than five (5) acres, the developer or their representative must have a pollution prevention plan in place and must file a notice of intent (NOI) with the EPA, in accordance with NPDES (national pollutant discharge elimination system) requirements. The pollution prevention plan will include provisions for reducing sediment discharges from the construction site and tracking of mud onto roadways. A copy of this plan and the NOI shall be provided to the city prior to any site grading. Refer to 40 CFR chapter 1, section 122.26 stormwater discharges for NPDES requirements. (Ord. 635, 10-4-2022)

9-19-10: PRESSURIZED IRRIGATION:

A. System Installation Required: In each subdivision the developer shall provide pressurized irrigation water to each and every lot within the subdivision. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines, but shall not necessarily be in the same trenches.

B. Cross Connections Prohibited: There shall be no cross connections between the domestic water lines and the irrigation water lines that do not comply with title 7, chapter 6-4, of this code.

C. Approval By City Engineer: All such pressurized irrigation water systems shall be approved by the city engineer. (Ord. 635, 10-4-2022)

TITLE 10

LAND SUBDIVISIONS

CHAPTER 1

GENERAL SUBDIVISION PROVISIONS

SECTION:

10-1-1: Compliance With Provisions

10-1-2: Definitions

10-1-1: COMPLIANCE WITH PROVISIONS:

From the effective date hereof, all subdivisions and plats of any tract of land located wholly or in part in the City or within the area of impact shall comply with the requirements set out in this Title. (Ord. 470, 7-7-95)

10-1-2: DEFINITIONS:

When used in this Title, the following words and terms shall have the meanings ascribed to them in this Section:

ALLEY: A minor public way providing secondary access at the back or side of a property.

CITY: The City of Filer, Idaho.

COUNCIL: The City Council of the City.

COUNTY RECORDER: The office of the County Recorder of Twin Falls County, Idaho.

CROSSWALK: A right of way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

CUL-DE-SAC: A dead-end street provided with turnaround space at its terminus.

DEAD-END STREET: A street connecting to another street at one end only and not having provision for vehicular turnaround at its terminus.

EASEMENT: A grant of right to use land for specific purposes.

ENGINEER: The City Engineer of the City.

LOT: A portion of a recorded subdivision intended as a unit for transfer of ownership or for development.

MASTER PLAN: A planning map of the City, and the land area within one mile of the City, showing the existing zoning and street layout together with the future zoning and street layout as planned and proposed by the City to secure and maintain an orderly growth and expansion program.

OWNER: An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest in land to be subdivided to commence and maintain proceedings under these regulations.

PLAT, FINAL: A plan of a subdivision, dedication or any portion thereof prepared for filing and recording by the Twin Falls County Recorder and containing those elements and requirements set forth in subsection 10-2-4B of this Title. Upon its being filed and recorded by the Twin Falls County Recorder, a final plat shall thereafter be known as an authorized plat, subdivision or dedication.

PLAT, PRELIMINARY: A preliminary plan of a proposed subdivision of dedication, containing the elements and requirements set forth in subsection 10-2-4A of this Title.

SHALL: The term "shall" designates a mandatory requirement.

STREET: A right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the City Council. The term "street" includes also the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms.

Arterial: A street designated as an arterial street by the City Council. It is the primary purpose of an arterial street to carry fast or heavy traffic.

Collector: A street designated as a collector street by the City Council. A collector street has the primary purpose of carrying traffic from minor streets to other collector streets and arterial streets.

Frontage: A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.

Residential: A minor street whose purposes is to provide access to abutting properties.

SUBDIVIDER: An individual, corporation, firm or group who undertakes the subdividing of a lot, tract or parcel of land for the purpose of transfer of ownership or development and including dedication of streets or changes in street or lot lines.

SUBDIVISION: The division of a developed or undeveloped tract of land laid out or to be laid out in building lots, which may or may not include streets, highways, alleys or other land intended to be dedicated to the public use.

UTILITIES: Installations for conducting water, sewage, gas or electricity and similar facilities providing service to and used by the public. (Ord. 380, 9-11-79)

CHAPTER 2

SUBDIVISION PROVISIONS

SECTION:

10-2-1: General Subdivision Provisions

10-2-2: Procedure for Subdivision Approval

10-2-3: Design Standards

10-2-4: Improvement Standards

10-2-5: Special Development Subdivisions

10-2-1: GENERAL SUBDIVISION PROVISIONS:

A. General Provisions:

1. Authority: These regulations are authorized by title 50, chapter 13 and title 67, chapter 65 of the Idaho Code; and article 12, section 2 of the Idaho Constitution, as amended or subsequently codified.
2. Purpose: The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:
 - a. The harmonious development of the area;
 - b. The coordination of streets and roads within the subdivision with other existing or planned streets and roads;
 - c. Adequate open space for travel, light, air and recreational facilities;
 - d. Adequate transportation, water drainage and sanitary facilities;
 - e. The avoidance of scattered subdivision of land that would result in either of the following:
 - (1) The lack of water supply, sewer service, drainage, transportation or other public services; and
 - (2) The unnecessary imposition of an excessive expenditure of public funds for the supply of such services;
 - f. The requirements as to the extent and the manner in which:
 - (1) Roads shall be created and improved; and
 - (2) Water and sewer and other utility mains, piping connections or other facilities shall be installed;
 - g. The manner and form of making and filing of any plat; and
 - h. The administration of these regulations by defining the powers and duties of approval authorities.
3. Jurisdiction: These regulations shall apply to the subdividing of land within the corporate limits of the City including the property within one mile outside the corporate limits thereof. They shall also apply to the "area of impact" as established by agreement between the City and County in conformance with State law.
4. Interpretation: All subdivisions as defined shall be submitted for approval by the Council and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.
5. Administration: The administration of this title shall be conducted by the Administrator. The Administrator shall be appointed by the Mayor and the appointment shall be ratified by the council. (1994 Code, amd. Ord. 624, 10-20-2020)

10-2-2: PROCEDURE FOR SUBDIVISION APPROVAL:

A. Subdivision Approval Required: Any person desiring to create a "subdivision" as herein defined shall submit all necessary applications to the Administrator on forms as provided by the City. No final plat shall be filed with the County Recorder or improvements made on the property until such plat is approved by the health authority as to water and sewer systems. No final plat shall be filed with the County recorder or improvements made on the property until the plat has been acted upon following public hearings held by the council on a preliminary plat and a public meeting held by the council on final plats prior to council approval. No lots shall be sold until the plat has been recorded in the office of the county recorder.

B. Preapplication:

1. Application: The developer shall submit a preapplication to enable the administrator to review and comment on the proposed subdivision. 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:

- a. The general layout and approximate dimensions of streets, blocks and lots in sketch form;
- b. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
- c. The areas set aside for schools, parks and other public facilities.

2. Fee: None required.

3. Administrator Action: The administrator shall notify the developer within thirty (30) days from the date of receiving an acceptable preapplication as to the general conformance or nonconformance of the proposal with this title, and shall provide the necessary forms and checklists, as well as the additional following considerations:

a. Compliance of the proposed development with existing local or state policies, goals and objectives or comprehensive plans;

b. Determination if additional special permits or ordinance conflicts, such as rezone, special development permit or variance are needed and the manner of coordinating such permits;

c. 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 as areas of critical environmental concern, unique plant or animal life and floodplains; and

d. Consideration of other local and state agencies that the developer should contact before preparing a preliminary plat.

e. The city may require the developer to mitigate the impact the subdivision will have on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.

C. Preliminary Plat:

1. Application: The developer shall file with the administrator a complete subdivision application form and preliminary plat date as required in this title.

2. Combining Preliminary and Final Plats: 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 floodplain or hillside development; and

d. All required information for both preliminary and final plat is complete and in an acceptable form.

A request to combine both preliminary plat and final plat into one application shall be acted upon by the council after receiving a recommendation by the administrator.

3. Content of Preliminary Plat: The contents of the preliminary plat and related information shall be in such a form as stipulated by the council; however, additional maps or data as deemed necessary by the administrator may also be required.

The developer shall submit to the administrator at least the following:

a. Nine (9) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each copy of the preliminary plat shall be on good quality paper, shall be drawn to a scale of not less than one-inch equals one hundred feet (1" = 100'), shall show the drafting date and a north arrow.

b. A written application requesting approval of the preliminary plat.

c. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, floodplain, cemetery, mobile home, large scale development, hazardous and unique areas of development.

d. To ensure adequate water supply to each new subdivision/development, all subdivision/development preliminary plat applications to the city will include water modeling results which indicates the new subdivision/development can be developed in a manner that will provide adequate water supply for domestic water and fire protection and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate domestic water and fire protection to the existing water system users.

e. To ensure adequate sewer treatment service by the city, each subdivision/development preliminary plat application to the city shall include sewer service treatment modeling results which indicates the new subdivision/development can be

developed in a manner that will provide adequate sewer service and sewer treatment capacity by the city and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate sewer treatment capacity to the existing sewer system users.

f. The cost of the water and sewer modeling will be the responsibility of the developer.

4. Requirement of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately together with any other pertinent information requested by the administrator:

a. The name of the proposed subdivision, which does not duplicate the name of any other subdivision in Twin Falls County.

b. The names, addresses and telephone numbers of the developers, the engineer or surveyor who prepared the plat and any other professional persons involved in the subdivision.

c. The names and addresses of all surrounding property owners both adjacent to and beyond any public thoroughfares within three hundred feet (300') from the subject property on record in the county assessor's office.

d. The legal description of the subdivision by section, township and range.

e. A statement of the intended use of the proposed subdivision, such as: Residential single-family, two-family and multiple housing, commercial, industrial, recreational or agricultural and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.

f. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.

g. A vicinity map showing the relationship of the proposed plat to the surrounding area (covering at least a four (4) square mile area).

h. The land use and existing zoning of the proposed subdivision and the adjacent land.

i. Existing streets, street names, rights of way and roadway widths, including adjoining streets or roadways, along with type of surface and the existence of any curbs, gutters and/or sidewalks.

j. Approximate location and length of the boundary lines of each lot, parcel or site and the proposed lot and block numbers. Approximate acreage enclosed by subdivision.

k. Contour lines, shown at five-foot (5') intervals where land slope is greater than twenty percent (20%) and at two-foot (2') intervals where land slope is twenty percent (20%) or less, referenced to an established bench mark of the city vertical control system, including its location and elevation.

l. A site report and/or the approval of the appropriate health district if individual wells or septic tanks are proposed.

m. Location, size and direction of flow of all existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainage, bridges, culverts, water mains, fire hydrants, gas lines, power, telephone and streetlights. If utilities are not on or adjacent to the property, indicate direction and distance to nearest ones that can serve the subdivision.

n. A copy of any proposed restrictive covenants and/or deed restrictions.

o. Any dedications to the public and/or easements both public and private, together with a statement of location, dimensions and purpose of such on both the subject property and surrounding properties.

p. Any additional required information for special developments as specified in this title.

q. A statement as to whether or not any variance will be requested with respect to any provision of this title describing the particular provision, the variance requested and the reasons therefor.

r. Location, right of way width and name of all public or private trafficways, 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.

s. A statement as to what improvements will be made to existing utilities and what other on site improvements will be made.

t. Approximate lot, corner and easement locations of all adjacent subdivisions.

u. Location, size and direction of flow of all drainage, irrigation, sewer and water line improvements that will be part of the subdivision development.

v. Additional drainage requirements may be requested by the administrator.

5. Fees: A fee for processing and checking a preliminary plat shall be due at the time upon submittal of the preliminary plat to the administrator. The amount of the fee shall be established by resolution of the council.

6. Administrator Review:

a. Certification: Upon receipt of the preliminary plat, and all other required data as provided for herein, the administrator (after review by the city engineer) shall schedule a preapplication meeting with appropriate staff. After the results of the preapplication meeting have been addressed and appropriate corrections made to the preliminary plat, the administrator shall certify the application as complete and shall affix the date of application acceptance thereon. The Administrator shall, thereafter, place the preliminary plat on the agenda for consideration at the next regular meeting of the council. The administrator shall deliver one copy of the preliminary plat to each member of the council at least five (5) days prior to the meeting for plat consideration.

b. Review by Other Agencies: The applicant shall refer the preliminary plat and application to as many agencies as deemed necessary by the administrator. Such agencies may include the following:

- (1) Other governing bodies having joint jurisdiction;
- (2) The appropriate utility companies, irrigation companies or districts and drainage districts;
- (3) The superintendent of the school district; and
- (4) Other agencies having an interest in the proposed subdivision.

c. Administrator Review: Upon expiration of the time allowance for department and agency review, the administrator shall prepare a recommendation to the council.

7. Notification to Property Owners: The administrator shall certify that he/she has notified all adjoining property owners of the proposed subdivision. Such written notification shall be sent by first class mail at least fifteen (15) days prior to the council meeting.

8. Council Action:

a. Preliminary Plat Review: The council shall review the preliminary plat, comments from the concerned persons and agencies and the report from the administrator to arrive at a decision on the preliminary plat.

b. Council's Findings: In determining the acceptance of a proposed subdivision the council shall consider the objectives of this title and at least the following:

- (1) The conformance of the subdivision with a comprehensive plan;
- (2) The availability of public services to accommodate the proposed development;
- (3) The continuity of the proposed development with the capital improvement program;
- (4) The public financial capability of supporting services for the proposed development; and
- (5) The other health, safety or environmental problems that may be brought to the council's attention.

c. Action on Preliminary Plat: The council may approve, conditionally approve, disapprove or table for additional information when acting on the preliminary plat. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the plat is first considered by the council. The action and the reasons for such action shall be stated in writing by the administrator and forwarded to the applicant. The administrator 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 council for its information and record. Upon granting or denying a preliminary plat the council shall specify:

- (1) The regulations and standards used in evaluating the application;
- (2) The reasons for approval or denial; and
- (3) The actions, if any that the applicant could take to obtain plat approval.

d. Developer's Agreement: Prior to final approval and filing of the plat, the developer shall enter into a subdivision development agreement with the city which will set forth any commitment or agreement to comply with any conditions set by the city and will set forth any commitments that the city has made to the developer.

e. Action on Combined Preliminary and Final Plat: If the Administrator's conclusion is favorable to the developer's request for the subdivision to be considered as both a preliminary plat and final subdivision, then a recommendation shall be forwarded to the council in the same manner as herein specified for a final plat. The council may recommend that the combined application be approved, approved conditionally or disapproved.

9. Approval Period:

a. Failure to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the council shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the developer and granted by the council.

b. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one year may be considered for final approval without resubmission for preliminary plat approval.

D. Final Plat:

1. Application: After the approval or conditional approval of the preliminary plat, the developer 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 developer shall submit to the administrator nine (9) copies of the final plat.

2. Content Of Final Plat: The final plat shall include and be in compliance with all items required under title 50, chapter 13 of the Idaho Code and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen inch by twenty seven inch (18" x 27") drawing paper, with no part of the drawing nearer to the edge than one inch (1"). The reverse of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certifications and other information. If, because of the size or complexity, required information cannot be shown, additional sheets may be used provided they conform to this chapter. The final plat shall include at least the following:

- a. A written application for approval of such final plat as stipulated by the council.
- b. Proof of current ownership of the real property included in the proposed final plat.
- c. Such other information as the administrator or council may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
- d. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
- e. Conformance with all requirements and provisions of this title.
- f. Acceptable engineering practices and local standards established by the administrator.

3. Fees: At the time of submission of an application for a final plat, a fee as established by resolution of the council shall be paid.

4. Administrative Review:

a. Acceptance: Upon receipt of the final plat and compliance with all the requirements as provided for herein, the administrator, after review by the city engineer, shall certify the application as complete and shall affix the date of acceptance thereon.

b. Resubmittal of Final Plat: The administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the administrator may require that the final plat be submitted to the council in the same manner as requested in the preliminary plat.

c. Submission to The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall place the final plat on the council agenda at the next regular meeting.

5. Agency Review: The applicant must transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and the agencies as administrator deems necessary to ensure compliance with preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standard of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.

6. Council Action: The council, at its next meeting following receipt of the administrator's report, shall consider comments from concerned persons and agencies to arrive at a decision on the final plat. The council shall approve, approve conditionally, disapprove or table the final plat for additional information. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the final plat the council shall specify:

- a. The regulations and standards used in evaluating the application;
- b. The reasons for approval or denial; and
- c. The actions, if any, that the applicant could take to obtain approval.

7. Plans and Specifications: Prior to recording the final subdivision plat, the developer shall submit to the administrator checked copies of the final plans and specifications for streets, water, sewer, a master utility plan and other public improvements to be constructed.

All plans and specifications shall have sufficient detail, written information, vertical and horizontal dimensions to accurately locate the proposed improvements in the field and determine their relationship to other improvements. Such standards shall be established by the zoning administrator, public works supervisor, and city engineer.

- a. Financial guarantee of improvements;
- b. An approved weed management plan;
- c. Street and utility plan approval from the Idaho Department of Transportation, as required;
- d. Street and utility plan approval from the Filer Highway District, as required;
- e. Gravity irrigation system plan approval from the Twin Falls Canal Company, as required;

f. An executed improvement agreement for developers;

g. A recorded conveyance to the city of Filer for water shares equal to one (1) share per acre for new residential developments (two (2) acres or larger), and such other number of shares as agreed to between the city and the developer.

8. Fees: At the time of submittal of plans and specifications a fee to defray costs and expenses of plan checking as provided for by resolution of the city council shall be paid.

9. Approval Period: Final plat shall be filed with the county recorder within one year after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the developer and granted by the council.

10. Method of Recording: Upon approval of the final plat by the council, posting of surety bond or other acceptable guarantee and the inclusion of the following signatures on the final plat, the developer shall submit the final plat to the county recorder for recording:

a. Certification and signature of the city council verifying that the subdivision has been approved;

b. Certification and signature of the city clerk, if required, and the city engineer verifying that the subdivision meets the city requirements and has been approved by the council; and

c. Certification of the sanitation restrictions on the face of the plat per Idaho Code section 50-1326. (Ord. 380, 9-11-79; amd. 1994 Code, Ord. 624, 10-20-2020)

10-2-3: DESIGN STANDARDS:

A. General Standards: In order that the subdivision of land within the jurisdiction of the city will contribute to the development of safe, convenient and attractive residential, commercial and other areas and advance the public welfare, the city council, in reviewing and acting upon any subdivision plat, shall ensure that full consideration and weight are given to the following:

1. Street Patterns: Street patterns in residential neighborhoods shall be designed to create areas free of through traffic but readily accessible to adjacent arterial streets.

2. Street Intersections: Street intersections in residential areas shall be of a "T" rather than an "X" design whenever such design will not unduly restrict a free movement of traffic.

3. Natural Drainage Courses: All-natural drainage courses shall be left undisturbed or be improved in a manner which will improve the hydraulics and ease of maintenance of the channel.

4. Street Names: No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the city council and shall conform to the street name and pattern established by ordinance and the official city map.

B. Block Requirements: No block shall be longer than one thousand feet (1,000') nor less than four hundred feet (400') between street intersections and shall have sufficient width to provide for two (2) tiers of lots, except as provided in subsection 10-2-030C.1.

C. Lot Requirements:

1. Minimum area of each lot shall be eight thousand (8,000) square feet.

2. Double frontage lots are prohibited; except, that where a showing is made that unusual topography or other conditions make it impossible to meet this requirement, an exception may be approved by the city council.

D. Streets:

1. Width of Right of Way: Width of right of way shall meet the minimum requirements shown in the following table:

Type of Street	Right of Way
Major collector road	100 feet
Minor collector road commercial	80 feet
Residential street collector streets	50 feet
Cul-de-sac	50 feet
Turnaround for cul-de-sac	60 feet radius
Alleys	25 feet

2. Dead End Streets: Dead end streets shall not be permitted. However, cul-de-sac streets may be substituted in place of a dead-end street; providing (in the opinion of the city council), that in the future the street will be extended for the proper development of the city street pattern, and development around the cul-de-sac shall leave open adequate area for such future extension of the city street. The maximum length for a cul-de-sac shall be one thousand feet (1,000'), unless the Filer highway district approves additional length, as measured from the entrance to the center of the turnaround and all cul-de-

sacs shall be provided with a turnaround, having a minimum radius of not less than sixty feet (60') at the curb line.

3. Length of Loop Street: The maximum length of a loop street shall be one thousand feet (1,000').

4. Design and Layout of Streets: Streets shall be designed and laid out in order to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than seventy degrees (70°).

5. Connection Curves May Be Required: Where any street deflects an angle of ten degrees (10°) or more, a connection curve having a minimum radius of three hundred feet (300') for arterial and collector streets and one hundred fifty feet (150') for residential streets may be required by the city council.

6. Pavement Base of Streets: The street pavement base and leveling course gravel shall be constructed in accordance with the recommendations of the city engineer.

7. Street Location and Arrangement: Major collector roads shall be located on U.S. 30, U.S. 93, and on all section lines. Minor collector roads shall be located on or near the half and quarter section lines. Collector roads may, for aesthetic reasons, curve and wind in accordance with these standards, but such trafficways shall maintain a grid type pattern approximately one-fourth (1/4) of a mile square.

E. Alleys:

1. Alleys shall be required at the rear of all business lots and shall be at least twenty-five feet (25') in width. When provided in residential blocks, alleys shall be not less than twenty-five feet (25') in width. Alleys shall be provided in all subdivisions unless the requirement is waived by the city council.

2. At the intersection of two (2) alleys, the corners of the abutting property shall be provided with a property line return having a radius of not less than twenty-five feet (25').

3. Except under unusual circumstances, alleys shall not terminate in a dead end, and in no case shall a dead-end alley be adopted unless turnaround facilities are provided to the satisfaction of the city council.

F. Easements: Easements for sewer, water, gas, electric, telephone, drainage, irrigation or other public utilities shall be required. Easements for utility lines shall be a minimum of fifteen feet (15') in width and centered on rear or side lot lines.

G. Sewage System: In subdivisions within the city, method and extent of sewage disposal shall meet the standards of and be approved by the city with such standards to include, but not be limited to, the standard revisions to 2020 ISPWC and supplemental specifications. In subdivisions within one mile of the city, method and extent of sewage disposal shall meet the standards of and be approved by the state department of public health. In a subdivision within a reasonable distance to an existing sanitary system, the subdivider may be required to make connection thereto.

H. Water Mains: Central water lines and fire hydrants shall be provided in all subdivisions with the following exception:

1. In subdivisions outside of the city limits where the city feels that it would not be feasible to extend water mains, alternate provisions may be made for fire protection; provided, that the domestic water supply and such provision shall meet the standards of the National Board of Fire Underwriters, Idaho state department of public health, the Idaho state public utility commission and the Idaho state department of reclamation, and further provided, that such alternate provision shall be made to the satisfaction of the city council. In considering such alternate provision, the city council may require an increase in the minimum lot size and may impose any other requirement which it deems necessary to protect the public health, safety or welfare.

I. Land Surface Drains: Such grading shall be done, and such structures shall be provided by the subdivider as are deemed essential to the city engineer to provide adequate drainage.

J. Curb and Gutter: All subdivisions should be constructed with vertical type curbs and gutters in accordance with city specifications.

K. Sidewalks:

1. Sidewalks shall be provided along both sides of the street and shall be at least five feet (5') wide. The city council may require sidewalks wider than five feet (5').

2. Pedestrian Walkways: Right-of-way for pedestrian walkways where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. Cul-de-sacs will be connected to other adjacent streets with cul-de-sacs within the proposed subdivision or existing subdivisions and to adjacent arterial or collector streets with paved pedestrian walkways at least five feet (5') wide within the applicable easements.

L. Driveway Curb Cuts and Approaches: Driveway curb cuts and approaches shall be made in accordance with city ordinance and specifications.

M. Irrigation Lines and Water Stocks:

1. Twin Falls Canal Company water stocks for the land included in the subdivision within the city limits shall be turned over to the city as trustee before any plat or land shall be approved by the city council.

2. If irrigation lines, ditches, laterals, canals, buried irrigation conduit and/or structures are to be constructed, rerouted or in any way altered or changed as part of the development of a subdivision, documentary evidence of consent to the

construction, rerouting, alteration or change by all parties interested, including the Twin Falls Canal Company, shall be presented to the city council and be a condition of approval of the preliminary plat.

N. Pressure Irrigation System:

1. The use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision, or any development of any parcel of land of three-fourths (3/4) of an acre or larger that is not part of a subdivision.

2. All new developments shall include an operating pressure irrigation system constructed to city standards and approved by the city engineer and the Twin Falls Canal Company. The city engineer shall encourage developers to participate in a regional system as long as the pump station is operational before the first building permit is issued for that station's service area.

3. The city engineer may authorize in specific cases a variance from the requirement of a pressure irrigation system, if not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this subsection would result in unnecessary hardship.

a. Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without Twin Falls Canal Company water shares.

b. 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.

4. The city engineer shall not authorize a variance from the requirement of an operating pressure irrigation system unless an alternate provision has been approved by the city engineer. Alternates may include, but shall not be limited to, required xeriscaping (i.e., landscaping in ways that do not require supplemental irrigation), payment of an in-lieu fee equal to the estimated cost of construction of an operating pressure irrigation system (including land acquisition), or some combination of these or other acceptable options.

5. One share of Twin Falls Canal Company water for each acre of property within the subdivision shall be deeded to the city before the filing of the final plat for use in the pressurized irrigation system.

O. Public Sites, Open Spaces, Recreation And Stormwater Retention/Detention: Where it is determined that a proposed park, playground, school or other public use as shown on the future acquisition map, as authorized in Idaho Code section 67-6517, is located in whole or in part within a proposed subdivision the council 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 council shall resume consideration of the subdivision.

No plat shall be approved unless it includes provision for open space, parks and recreation and stormwater retention/detention. Developers may combine land designated for stormwater retention/detention with the requirement of open space, parks and recreation with the approval of the Administrator and/or Design Review Committee.

1. A "park" is a parcel of land dedicated to the public, maintained for the primary purposes of recreation and open space. A "minipark" is a park that is a minimum of eight thousand (8,000) square feet.

2. The council may require the developer of each residential subdivision, or any part thereof, without regard to the number of phases within the subdivision, to set aside or acquire land within, adjacent to, or in the general vicinity of the subdivision for a park. The size of such park shall be the smaller of either: (a) a minipark; or (b) a park the size of which shall be a number (in ft.²) equal to the number of household units in the subdivision multiplied by four hundred thirty-five square feet (435 ft.²). Parks shall be located so as to serve the largest number of household lots, as is practical, without crossing an arterial street. The zoning administrator, public works supervisor and/or the design review committee may approve up to fifty percent (50%) of this land contribution for development of walking/bicycle trails.

3. Development of parks shall include curbs, gutters, finish grading, sidewalks, power box, irrigation systems, ground cover, trees, picnic tables, benches and playground equipment, approved by the zoning administrator, public works supervisor and city engineer.

4. All park land shall be dedicated to the city upon completion of all required improvements, and accepted and maintained by the city after it is determined that all standards have been met.

5. Provide retention/detention basins within open space in the development to be maintained by the city upon acceptance by the city. The developer shall be required to provide safety signs on and fencing approved by council around all retention/detention basins.

P. Restrictive Covenants: Restrictive covenants may be prepared and recorded as part of a subdivision. This is done to provide protection to future property owners by establishing higher standards than required under other regulations. The provisions within protective covenants are enforceable solely through civil actions and local governments shall not be required to enforce these provisions. (Ord. 380, 9-11-1979; amd. 1994 Code; Ord. 624, 10-20-2020; Ord. 629, 6-1-2021)

10-2-4: IMPROVEMENT STANDARDS:

A. Responsibility for Plans: It shall be the responsibility of the developer 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 public streets, utilities and other facilities. Such construction plans shall be based on

preliminary plans that 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.

B. Required Public Improvements: Every developer may be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

1. Monuments: Monuments shall be set in accordance with Idaho Code section 50-1303.
2. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Council.
3. Curbs and Gutters: Curbs and gutters shall be constructed on all streets and service roads. All construction shall be in accordance with the standards and specifications adopted by the Council.
4. Bicycle Pathways: A bicycle pathway shall be required within all subdivisions, as part of the public right-of-way or separate easement, as may be specified in an overall bicycle plan as adopted by the Council.
5. Installation of Public Utilities: Underground utilities shall be required in all new subdivisions. Existing utilities or new large transmission lines shall not be required to be buried.
6. Driveways: All driveway openings in curbs shall be as specified by the administration, highway district or State Highway Department.
7. Storm Drainage: An adequate storm drainage system shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the City Engineer and/or the Council. Construction shall follow the specifications and procedures established by the Council.
8. Public Water Supply and Sewer Systems: All new public water supply or sewer systems shall be an extension of an existing public system.
9. Fire Hydrants and Water Mains: Adequate fire protection shall be required in accordance with standards established by the City Engineer.
10. Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards. Cost of street signs shall be the responsibility of the developer.
11. Sidewalks and Pedestrian Walkways: Sidewalks may be required on both sides of the street, except that where the average width of lots, as measured at the street frontage line or at the building setback line, is over two hundred ten feet (210'), sidewalks on only one side of the street may be allowed. These requirements may be waived by the Council due to the location and/or character of the development. 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 Council.
12. Greenbelt: Greenbelt or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, railroad rights-of-way or other features. Subdivision plats shall show the location of any greenbelt areas.
13. Street Lighting: Streetlights shall be required to be installed at intersections throughout the subdivision. Lighting shall be approved by the City Engineer and the cost shall be borne by the developer.
14. Mailboxes: Mailbox locations shall be reviewed and approved by the Zoning Administrator and the United States Postal Service.
15. Irrigation Water: Every subdivider or developer shall be required to install a pressure irrigation system in accordance with the conditions and specifications as follows:
 - a. The use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision, or any development of any parcel of land of three-fourths (3/4) of an acre or larger that is not part of a subdivision.
 - b. All new developments shall include an operating pressure irrigation system constructed to city standards and approved by the city engineer and the Twin Falls Canal Company. The city engineer shall encourage developers to participate in a regional system as long as the pump station is operational before the first building permit is issued for that station's service area.
 - c. The city engineer may authorize in specific cases a variance from the requirement of a pressure irrigation system, if not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this subsection would result in unnecessary hardship.
 - (1) Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without Twin Falls Canal Company water shares.
 - (2) 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.

d. The city engineer shall not authorize a variance from the requirement of an operating pressure irrigation system unless an alternate provision has been approved by the city engineer. Alternates may include, but shall not be limited to, required xeriscaping (i.e., landscaping in ways that do not require supplemental irrigation), payment of an in-lieu fee equal to the estimated cost of construction of an operating pressure irrigation system (including land acquisition), or some combination of these or other acceptable options.

e. One share of Twin Falls Canal Company water for each acre of property within the subdivision shall be deeded to the city before the filing of the final plat for use in the pressurized irrigation system.

f. If the City Council and Public Works Director determine that the PI system is to be owned and maintained by the developer, Home Owners Association and home owners, applicable Twin Falls Canal Company water shares shall, not be conveyed to the City and that one irrigation water share for each acre of property within the development, shall be retained within the development for all irrigation in perpetuity.

g. If the City Council and Public Works Director determine that the PI system is to be owned and maintained by the City, each new development shall convey one share of Twin Falls Canal Company for each acre of property within the development to the City before filing of the final plat.

h. All users connected to a pressurized irrigation system shall install automatic timers to ensure that conservation of and schedules for use of the water are met in the most efficient manner possible. Systems operating without the use of automatic timers will be in violation of this Code and subject to established fines and penalties herein.

i. Monthly fees for water districts will be established and assessed to each user by the City of Filer to maintain the pressure irrigation system. The fees shall be established by a resolution of the city council.

j. All residences within the City of Filer with pressurized irrigation systems shall irrigate and water flowers, lawns, gardens, trees, and shrubs as follows: Residences with even number addresses shall water on Tuesdays, Thursdays, and Saturdays only; residences with odd number addresses shall water on Wednesdays, Fridays, and Sundays only.

C. Guarantee of Completion of Improvements:

1. Financial Guarantee Arrangements: In lieu of the actual installation of required public improvements before recording of the final plat, the Council may permit the developer to execute a trust and escrow agreement and record a notice prohibiting the sale of an undeveloped lot without a recorded developer's agreement between the developer and the City relating to that lot, or 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:

a. 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 twenty five percent (125%) of the total estimated costs for completing construction of the specific public improvements, as estimated by the developer's consulting engineer and approved by the City Engineer.

(3) Term Length: The term length in which the bond is in force, for the duration of the phase of the project, shall be for a period of two (2) years minimum.

(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.

b. Cash Deposit, Certified Check, Negotiable Bond or Irrevocable Bank Letter of Credit by An Institution Licensed in The State of Idaho And Approved by The Council:

(1) Treasurer, Escrow Agent or Trust Company: A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit such surety 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 twenty five percent (125%) of the estimated cost of construction for the specific public improvement, as estimated by the developer's consulting engineer and approved by the City Engineer.

(3) Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be for two (2) years minimum or one year after subdivision is completed and accepted by the City Engineer.

(4) Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Council and the developer 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.

2. Conditional Approval of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

a. The construction of improvements required by this title shall have been completed by the developer and approved by the City Engineer.

b. Surety acceptable to the Council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

3. Inspection of Public Improvements Under Construction: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the developer and the Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

4. Penalty In Case of A Failure To Complete The Construction of A Public Improvement: In the event the developer shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements it shall be the responsibility of the Council to proceed to have such work completed. In order to accomplish this, the Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the developer may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the Council and the developer. (Ord. 380, 9-11-1979, amd. Ord. 624, 10-20-2020)

10-2-5: SPECIAL DEVELOPMENT SUBDIVISIONS:

A. Purpose: The purpose of this section is to identify various types of developments that normally pose special concerns to the council and elected officials when reviewing and acting upon subdivision requests. The provisions of this section are in addition to the plan requirements, design standards and improvement standards that are required by sections 10-2-2, 10-2-3, and 10-2-4 of this chapter.

B. Large Scale Development Subdivision: Due to the impact that a large-scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

1. Identification of all public services that would be provided to the development such as fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection.

2. Estimate of the public service costs to provide adequate service to the development.

3. Estimate of the tax revenue that will be generated from the development.

4. Suggest public means of financing the services of the development if the cost for the public services would not be offset by tax revenue received from the development.

5. The developer should submit a plan identifying how the developer intends to mitigate impacts of the development on the City.

6. The developer should submit a plan for stormwater retention/detention. (Ord. 380, 9-11-79, amd. Ord. 624, 10-20-2020)

CHAPTER 3

LOT LINE ADJUSTMENTS

SECTION:

10-3-1: Lot Line Adjustment Application

10-3-2: Procedure

10-3-3: Denial Of Application

10-3-4: Right Of Appeal

10-3-5: Approval Of Application

10-3-1: LOT LINE ADJUSTMENT APPLICATION:

A. An applicant for a lot line adjustment shall complete the following procedures:

1. Submittal of a draft record of survey showing:

a. The proposed parcel for adjustment (a hard copy 18 inches by 27 inches and an electronic copy 11 inches by 17 inches),

b. The present and proposed lots,

c. The correct street names abutting the property,

d. The written legal description of all proposed lots,

e. The square footage, width, and depth of proposed lots,

f. All existing buildings shown to meet Building Department and zoning setback requirements,

- g. A note stating the zoning district in effect for the area,
- h. All recorded easements, including those for sewer and water,
- i. Affidavits of legal interests,
- j. A narrative explaining the purpose of this lot line adjustment and expressing how the public is benefited by such action, and
- k. Such additional information reasonably required for thorough review of the application and plat may be required of the applicant.

2. The proposed adjustment shall meet the definition of a "lot line adjustment" which shall be defined as: A modification of boundary lines between existing lots, parcels of land, or properties, or modification of easement lines, which does not reduce the area, frontage, width, depth, or building setback lines of each lot, parcel of land, or property below the minimum zoning area regulations and which does not create additional lots or new streets. A lot line adjustment does not vacate the platted lot lines or easements of a recorded subdivision. A lot line adjustment does not divide lands nor is it a substitute for dividing lands through the City's subdivision platting procedures. A lot line adjustment action shall be consistent with the City's comprehensive plan. (Ord. 616, 5-15-2018; amd. Ord. 629, 6-1-2021)

10-3-2: PROCEDURE:

An applicant for a lot line adjustment shall be required to file a draft record of survey with the Administrator for review. Upon a finding by the Administrator that the record of survey conforms to the definition of a lot line adjustment, the Administrator shall provide written notice to owners of property located within three hundred feet (300') of the boundaries of the lot proposed for adjustment, and all easement holders within the subject property. The applicant shall provide the mailing addresses of all property owners within three hundred feet (300') of the outer boundaries of the lot proposed for adjustment. Such notice shall inform adjacent property owners they may comment on the application during a period of fifteen (15) days after the postmark of the notice. Following expiration of the comment period, and upon a finding by the Administrator that the record of survey is in compliance with the provisions of this section, the Administrator may approve, or conditionally approve, the draft record of survey. Thereafter, the applicant shall submit a final record of survey, to be drawn in compliance with the requirements of this title, to the Administrator for final review. The Administrator shall inform the City Clerk of final approval in writing prior to signature of the record of survey sheets for the purpose of recordation. (Ord. 616, 5-15-2018; amd. Ord. 629, 6-1-2021)

10-3-3: DENIAL OF APPLICATION:

Upon a finding by the Administrator that the application does not conform to the definition of a lot line adjustment or is not in compliance with this title, the Administrator shall deny the application and shall state the reasons therefor in writing, and a copy signed by the Administrator attached to one copy of the record of survey shall be returned to the applicant. Any questions with regard to the interpretation and/or applicability of this section shall be referred to the Council by the Administrator for determination. (Ord. 616, 5-15-2018; amd. Ord. 629, 6-1-2021)

10-3-4: RIGHT OF APPEAL:

An appeal from any decision of the Administrator made in the administration or enforcement of this chapter may be made to the City Council by filing a written appeal and fee with the City Clerk within fifteen (15) days following the date of the action or decision giving rise to the appeal. Upon hearing the appeal, the City Council shall consider the record, the decision of the Administrator, and the written appeal, together with oral presentation by the appellant, the Administrator and the applicant. The City Council may affirm, reverse or modify the decision of the Administrator. The City Council shall not substitute its judgment for that of the Administrator as to the weight of the evidence on questions of fact. The City Council shall affirm the Administrator's decision unless the City Council finds the decision is: a) clearly erroneous; b) arbitrary, capricious or an abuse of discretion; or c) not supported by substantial evidence in the record as a whole. The Administrator shall transmit a copy of the City Council's decision and findings to the appellant, the applicant and any other person or entity who has requested a copy in writing. The fee for processing the appeal shall be set by resolution of the City Council. (Ord. 616, 5-15-2018; amd. Ord. 629, 6-1-2021)

10-3-5: APPROVAL OF APPLICATION:

Upon tentative approval of the application by the Administrator subject to any applicable conditions of approval and the regulations of this title, the applicant shall have one year to complete the following tasks:

- A. Cause the property to be surveyed and record of survey recorded;
- B. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
- C. Obtain new tax parcel numbers from the Twin Falls County Assessor; and
- D. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the Administrator. (Ord. 616, 5-15-2018; amd. Ord. 629, 6-1-2021; amd. Ord. 629, 6-1-2021)