

CITY OF MURTAUGH LAND USE

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MURTAUGH, IDAHO, AS FOLLOWS:

SECTION 1. That the Land Use Ordinance of the City of Murtaugh, Ordinance #07-13, hereby is amended by my repealing and replacing it in its entirety with the following:

TITLE ONE - ZONING

Sections:

- 1-1 Short Title
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- 1-1 Short Title. This ordinance shall be known and may be cited as the "Land Use Ordinance of the City of Murtaugh."
 - 1-2 Authority. This Land Use Ordinance of the City of Murtaugh is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.
 - 1-3 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare, to retain and enhance upon the aesthetics of the community, to preserve and enhance land values, to separate incompatible uses and to promote security within the City of Murtaugh.
 - 1-4 Scope. It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or

interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or with private restrictions placed upon property by covenants running with the land to which the City is a party. Where this ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

- 1-5 Definitions. For the purposes of this ordinance the following terms phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word shall be always mandatory and not merely directory.
- A. "Accessory Use or Buildings ~~over 120 square feet~~" is a subordinate use or building customarily incident to and located on the same lot with the main use or building over 120 square feet.
- B. "Agriculture" means any facility for the growing, raising or production of agricultural, horticultural and viticultural crops and vegetable products of the soil, poultry and poultry products, livestock, field grains, seeds, hay, apiary and dairy products, and the processing for commercial purposes of livestock or agricultural commodities. Agriculture also includes forestlands, whether being harvested or not.
- C. "Alterations" as applied to a building or structure, is a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or in the moving from one location to another.
- D. "Block" means the space along one side of the street between the two nearest intersecting streets, or between an intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser.
- E. "Building" means any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.
- F. "Conditional Use" means a use or occupancy or a structure, or use of land, permitted only upon issuance of a Conditional Use permit and subject to the limitations and conditions specified therein.
- G. "Dairy" shall mean the congregation of more than one animal unit per acre on a single parcel of ground raised for the purpose of production, sale and distribution of milk, butter or cheese.
- H. "Day Care" means a home or place in which five (5) or more children, not related by blood or marriage to the person or persons operating such center, are regularly received and provided with part-time supplemental parental care during any part of the twenty- four (24) hour day when the parents are not on the premises.
- I. "Detached Building" means any building which does not conform to the requirements of this title.

J. "Home Occupation" Any gainful operation, profession or craft which is customarily incidental to carry on in a dwelling place or property and wherein the use is clearly incidental and secondary to the use of the dwelling or property for dwelling purposes and meets the requirements as set forth in Section 1-16 (U).

K. "Industrial, Light" Warehousing, wholesaling, manufacturing and/or processing of goods and materials which do not emit offensive odor, dust, smoke, glare, gas, light, noise, or vibration which cannot be confined to the site itself.

L. "Industrial, Heavy" shall mean any industry that has hazardous or objectionable elements such as noise, odor, dust, smoke or glare and that are operated both within enclosed structures and outside of such structures.

M. "Junk Yard or Second Hand Sales" shall include any business in which goods are collected and sold for reuse even as a secondary business related to the primary business on site. It shall consist of an outdoor space where junk, waste, discarded or salvaged material are stored or handled, including automobile wrecking yards and yards for used building materials and places or yards for storage of salvaged equipment, automobiles or machinery.

N. "Kennel" shall mean a facility or property which boards or keeps more than three (3) dogs at any one time.

O. "Livestock Confinement Operation (LCO)" means any lot, corral, or facility, real property and related structures thereon where ten (10) animal units or more of livestock are confined, or stabled and fed, or maintained for a total of two hundred ten (210) days or more in any twelve (12) month period; and on which crops, vegetation, forage growth or post-harvest residues are not sustained in the normal operations after the effective date hereof, and the related structures thereon used for such confinement, and including for use of disposal of solid or liquid waste generated by livestock, and is designed to confine or actually does confine and equivalent of ten (10) animal units or more. Animal units shall be determined as follows:

1. Calves weighing less than 500 lbs.-5.
2. Cows-1.
3. Horse-1.
4. Sheep-5.
5. Goat-7.
6. Pig/Swine –none allowed inside of the City limits/2 outside of the City limits in the area of impact.
7. Poultry/Fowl-10.

P. "Lot" means a unit of land described by metes and bounds or part of a recorded subdivision so recorded for transfer of ownership.

Q. "Lot coverage" means the area of a lot occupied by the principal building or buildings and accessory buildings.

R. "Lot Line" means the boundary property line encompassing a lot. The front lot line is the boundary line which abuts a public street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line ~~or~~ most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side lot

line in common with another lot.

S. "Lot Line Adjustment Procedures" means 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 lot split or subdivision platting procedures. A lot line adjustment action shall be consistent with the City's comprehensive plan.

T. "Manufactured Home" means a structure, constructed according to the HUD/FHA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 *et seq.*

U. "Manufactured Home Park" means any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating two (2) or more manufactured and/or mobile homes for dwelling purposes in accordance with section 1-16 (CC) below.

V. "Mobile Home" means a structure similar to a Manufactured Home, but built to a state mobile code which existed prior (pre-1976) to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

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

X. "Non-Conforming Building" A building, structure, or portion thereof which does not conform to the regulations of this ordinance applicable to the zone or district in which such building is situated, but which existed prior to and was in compliance with the existing regulations as of the effective date of this ordinance.

Y. "Nuisance" means anything offensive or obnoxious to the health and welfare of the inhabitants of the City or any act or thing repugnant to, or creating a hazard to, or having detrimental effect on the property of another person or to the community.

Z. "Parking Space" means usable space within a public or private parking area or building, not less than one hundred and eighty square feet, (nine feet by twenty feet), exclusive of access drives, aisles or ramps or the storage of one passenger automobile or commercial vehicle.

AA. "Setback Area" means the space on a lot required to be left open and unoccupied by ceilings or structures, either by the front, side or rear yard requirements of this ordinance, or be delineated on a recorded subdivision plat. The setback does not include cornices, canopies, eaves or other projections which do not increase the column of space enclosed by

the building; provided, however, that one of these shall not project into any required yard more than two feet.

BB. "Sign" means any structure or natural object, such as tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of announcement, direction or advertisement. For the purpose of this definition, the word sign does not include the-flag, pennant or insignia of any nation, state, city or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

CC. "Stable" means the buildings used to house animals, the animals within these confines, and any training areas.

DD. "Street" means a public right-of-way, which provides vehicular and pedestrian access to adjacent properties, acceptance or grant of which has been officially approved by the council. The term street includes also the terms highway, thorough fare, parkway, throughway, road, avenue, boulevard, land, place and other such terms.

EE. "Utility Building" means any building with a square footage of less than 120 feet.

FF. "Variance" means a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

GG. "Yard" means an open space on the same lot with a principal building or group or buildings, which is unoccupied and unconstructed from its lowest level upward, except as otherwise permitted in this title and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.

HH. "Zoning Map" means the map incorporated into this title designating the use district zones.

1-6 Establishment of Use Districts and Zoning Map.

A. For the purposes of this ordinance the City of Murtaugh is hereby divided into Use Districts as hereinafter provided.

1. Agricultural (A).
2. Medium Density Residential (MDR).
3. Low Density Residential (LDR).
4. Commercial Zone (C).
5. Industrial Zone (I).
6. Areas of Critical Concern (CC).
7. Mixed Planned Development (MPD).

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

C. Zoning District Boundaries. As much as possible zoning district boundaries shall fall at the back-property line so that like uses will be facing each other.

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

1-7 Agricultural (A) Designated Uses. The purpose of the Agricultural (A) zone or district is for agricultural, natural resources and rural lifestyles, located within the area of city impact. It contains areas of productive agricultural land. All other uses will be considered secondary and not allowed if they pose any interference or negative impacts upon the agricultural uses on the land. The minimum lot size and building locations in this zone shall be of a size to allow for economically viable agricultural uses without affecting surrounding properties adversely.

A. Permitted uses shall include:

1. Agriculture excluding confined Livestock Confinement Operations (LCO).
2. Single-family dwelling as regulated in the Medium Density Residential (MDR) zone with the exception that the minimum lot size for such use shall be one (1) acre.
3. Accessory uses and building under two thousand (2000) square feet in size; provided, however, that such buildings greater than one hundred twenty (120) square feet and under two thousand (2000) square feet shall require a building permit.
4. Lots over 20 acres shall fall under the jurisdiction of Twin Falls County per the Area of City Impact agreement.
5. Any agricultural building under two thousand 120 (2000) square feet or corral, pen, loafing shed, grain bin under twenty (20) feet in height; provided, however, that such buildings greater than one hundred twenty (120) square feet and under two thousand (2000) square feet shall require a building permit. ~~Such structures shall not require a zoning or building permit, but a siting permit is required.~~

B. Uses Requiring Conditional Use Permits: The City may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. On all Conditional Use permit applications, the City shall have the discretion to require an impact statement on surrounding properties and upon City services and infrastructure. The City shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interest of the surrounding property or neighborhood and City services or infrastructure from damage, hazard, nuisance or other detriment:

1. Airport.
2. Cemetery.
3. Commercial kennel, animal hospital.
4. Broadcasting tower for radio or television.
5. Mining, dredging, and excavation of sand, dirt, gravel or other aggregate.
6. Home Occupations.
7. Public building, school, hospital or church.
8. Animal Clinic & Hospital- Veterinary.
9. Riding Stables & Schools.
10. Bicycle Way.

11. Day Care Facilities.
12. Religious Facilities.
13. Truck & Tractor Repair.
14. Second Dwelling on the property for farm related purposes.
15. Temporary buildings as uses necessary for construction purposes for a period not to exceed one year.
16. Public Utility Installation.
17. Livestock Confinement Operations (LCO) in the Area of Impact only.
18. Storage facilities for agricultural produce products.
19. Accessory use and building two thousand (2000) square feet in size or larger. Such buildings shall require building permits.

C. Site Requirements.

1. Height regulations. Except as allowed as a Conditional Use pursuant to Section 1-7-B-18 above, there shall be a height restriction of thirty-five feet (35') in the Agricultural (A) zone.
 2. Setback requirements. The following are setback requirements for Agricultural (A) zone.
 - a. Lot With. Minimum lot width of one hundred and fifty feet (150').
 - b. Front Yard. No building or structure shall be erected nearer than forty-five (45) feet from the front property line of the lot.
 - c. Center Road. Seventy (70) feet set back. Alternate setbacks must be approved by the commission for varying street widths.
 - d. Side Yard. No building shall be erected closer than fifteen (15) feet to any side property line, except corner lots shall maintain a thirty (30) foot side yard adjacent to the street which intersects the street upon which the building fronts.
 - e. Rear Yard. There shall be a rear yard having a depth of not less than ten (10) feet.
 3. Area Requirements. The minimum lot area shall be one (1) acre.
 4. Water, Sewer, Storm Drainage and Irrigation. All water, sewer, storm drainage and irrigation systems shall be approved by the South Central Public Health District or other appropriate agency.
- 1-8 Medium Density Residential (MDR)-Designated Uses. The purpose of the Medium Density Residential (MDR) zone is to have land area set aside by zoning procedures and in accordance with the Comprehensive Plan to preserve and enhance predominately single and multi-family living areas.

A. Permitted uses shall include:

1. Single family dwellings, including Manufactured Homes under the following conditions:
 - a. The Manufactured Home shall be an enclosed space of not less than one thousand (1,000) square feet;
 - b. The Manufactured Home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade. If an interior foundation method is utilized, the exterior of the home will be skirted;
 - c. The manufactured home Manufactured Home shall have a pitched roof, and shall require a slope of three (3) feet in height for each twelve (12) feet in width;

d. The Manufactured Home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority;

e. Additions to a Manufactured Home shall be of compatible construction using like materials;

f. The home, at the time of placement, must be built to the State Mobile Home code which existed after 1976, to the Federal Manufactured Housing and Safety Standards Act (HUD Code); and

g. Only one occupied Manufactured Home may be placed on any single lot.

2. Churches or parish halls.

3. Any accessory use building under ~~one hundred twenty (120)~~ one thousand (1,000) square feet in size; provided, however, that such buildings greater than one hundred twenty (120) square feet and under one thousand (1000) square feet shall require a building permit. ~~Such buildings shall not require a zoning or building permit.~~

4. Farm Animals meeting the following restrictions:

a. No livestock or farm animals on lots of less than one acre.

b. Pig/Swine shall only be allowed outside of the city limits in the area of impact.

c. Only one animal unit per acre shall be allowed. One animal unit per acres shall represent:

i. Cow and calf or 2 animals.

ii. Horse and foal or 2 animals.

iii. Sheep 4.

iv. Goats-3

v. Poultry/Fowl-10.

vi. Pigs-2.

vii. For all other animals not listed the City Council reserves the right to set compatible standards. Such uses may be allowed by Conditional Use only.

d. All enclosures for farm animals shall be located no closer than fifty (50) feet to any dwelling other than the dwelling upon the property itself.

e. All poultry or fowl must be enclosed.

B. Uses requiring Conditional Use Permits. The Commission may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. On all Conditional Use permit applications; the Commission shall have the discretion to require an impact statement on surrounding properties and upon City services and infrastructure. The Commission shall confer with the city on such conditions and safeguards, as it deems necessary to protect the best interest of the surrounding property, neighborhood, City services or infrastructure from damage, hazard, nuisance or other detriment:

1. Cemetery.

2. Commercial kennel, animal hospital & clinic-Veterinary.

3. Mining, dredging, and excavation of sand, dirt, gravel or other aggregate.

4. Home Occupations

5. Public facilities such as schools, hospitals, churches, City infrastructure, parks, playgrounds,

and public utility installations.

6. More than one permanent residence on a platted or recorded lot.

7. Riding Stables & Schools.

8. Bicycle Way.

9. Day Care facilities.

10. Duplexes

11. Manufactured Home Parks.

12. Temporary buildings as uses necessary for construction purposes for a period not to exceed one year.

13. Any accessory use and building one thousand (1000) square feet in size or larger. Such buildings shall require a building permit.

C. Site Requirements. In this zone, no building, structure or land usage be hereinafter erected or altered (unless otherwise provided in this chapter) except for one or more of the above uses in accordance with the following standards.

1. The lot per dwelling unit and for all uses in a Medium Density Residential (MDR) zone dependent on City water supply and sewage system lots. Lots shall not be less than one third (1/3) of an acre.

2. Front Yard. No building shall be constructed nearer than Thirty-five (35) feet from the front centerline. Any other setbacks must be approved by the commission due to varying street widths.

3. Rear Yard. No building except a utility building shall be constructed nearer than ten (10) feet from the rear lot line.

4. Side Yard. No building shall be erected closer than fifteen (15) feet to any side property line, except corner lots shall maintain a thirty (30) foot side yard adjacent to the street which intersects the street upon which the building fronts.

5. Accessory use buildings. No building shall be constructed nearer than five (5) feet from the side and ten (10) feet rear lot line and thirty-five (35) feet from front lot line.

6. Lot coverage in a Medium Density Residential (MDR) zone shall not exceed sixty (60) percent of the lot.

7. Clear view of intersecting streets. In all zones which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within triangular area, from the street property line, except for a reasonable number of trees pruned high enough to permit unobstructed view.

8. Landscaping of all properties will be kept in such a manner as to not cause a nuisance or detrimental impact upon the surrounding properties.

9. Any development near any irrigation canal shall protect the canal and right-of-way from encroachment and meet all standards set in Section 1- 16 (BB).

D. Water/Sewer Services. Sewage disposal. All domestic uses in the Medium Density Residential (MDR) zone must connect to city sewer if within one hundred (100') feet of an existing water and/or sewer line.

1-9 Low Density Residential (LDR) Designated Uses. The purpose of the Low Density Residential (LDR) Zone is to have land area set aside by zoning procedures and in accordance with the Comprehensive Plan to preserve and enhance predominately single and multi-family living areas the Low Density Residential (LDR) uses shall be designated as a transition area between the city center and the agricultural areas.

A. Permitted uses shall include:

1. All uses allowed in the Agricultural (A) zone as permitted uses excluding accessory use building.
2. All uses allowed in the Medium Density Residential (MDR) zone excluding accessory use building.
3. Farm Animals meeting the following restrictions:
 - a. No livestock or farm animals on lots of less than one acre.
 - b. Pig/Swine shall only be allowed outside of the city limits in the area of impact.
 - c. Only one animal unit per acre shall be allowed. One animal unit per acres shall represent:
 - i. Cow and calf or 2 animals.
 - ii. Horse and foal or 2 animals.
 - iii. Sheep 4.
 - iv. Goats-3
 - v. Poultry/Fowl-10.
 - vi. Pigs-2.
 - vii. For all other animals not listed the City Council reserves the right to set compatible standards. Such uses may be allowed by Conditional Use only.
 - d. All enclosures for farm animals shall be located no closer than fifty (50) feet to any dwelling other than the dwelling upon the property itself.
 - e. All poultry or fowl must be enclosed.
4. Accessory use building under one thousand two hundred (1,200) square feet in size; provided, however, that such buildings greater than one hundred twenty (120) square feet and under one thousand two hundred (1200) square feet shall require a building permit.

B. Uses Requiring Conditional Use Permits: The city may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. On all Conditional Use Permit applications, the City shall have the discretion to require an impact statement on surrounding properties and upon city services and infrastructure. The City shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and City services or infrastructure from damage, hazard, nuisance or other detriment:

1. Cemetery;
2. Commercial kennel, animal hospital & clinic- Veterinary;
3. Mining, dredging, and excavation of sand, dirt, gravel or other aggregate;
4. Home Occupations;
5. Public facilities such as schools, hospitals, churches, city infrastructure, parks, playgrounds, and Public Utility installations;
6. More than one permanent residence on a platted or recorded lot;
7. Riding Stables & Schools;
8. Bicycle Way;
9. Day Care facilities;
10. Multi-family dwellings;
11. Manufactured Home Parks;
12. Temporary buildings as uses necessary for construction purposes for a period not to exceed

one year.

13. Farm animals not listed above.

14. Any accessory use and building one thousand two hundred (1200) square feet in size or larger. Such buildings shall require a building permit.

C. Site Requirements. In this zone, no building, structure or land usage be hereafter erected or altered (unless otherwise provided in this chapter) except for one or more of the above uses in accordance with the following standards.

1. The lot per dwelling unit and for all uses in a Low Density Residential (LDR) zone shall not be less than one-half (1/2) acre.
2. Front Yard. No building shall be constructed nearer than thirty-five (35) feet from the front center line.
3. Rear Yard. No building shall be constructed nearer than ten (10) feet from the rear lot line.
4. Side Yard. No building shall be erected closer than fifteen (15) feet to any side property line, except corner lots shall maintain a thirty (30) foot side yard adjacent to the street which intersects the street upon which the building fronts.
5. Accessory use buildings. No building shall be constructed nearer than five (5) feet from the side lot line and ten (10) feet rear lot line and thirty-five (35) feet from road center.
6. Lot coverage in a Low Density Residential (LDR) zone shall not exceed sixty (60) percent of the lot.
7. Clear view of intersecting streets. In all zones which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within triangular area, from the street property line, except for a reasonable number of trees pruned high enough to permit unobstructed view.
8. Landscaping of all properties will be kept in such a manner as to not cause a nuisance or detrimental impact upon the surrounding properties.
9. Any development near any irrigation canal shall protect the canal and right-of-way from encroachment and meet all standards set in Section 1-16 (BB).

D. Water/Sewer Services: It is desirable that in the Low Density Residential (LDR) zone the principal designated uses involving structures, be serviced from public sewer facilities if within one hundred (100) feet. However, since such sewer facilities might not be reasonably available or feasible throughout the zone then the minimum lot requirements will be controlled by the specific requirements of the South Central Public Health District.

1-10 Commercial Zone (C) Designated Uses. The purpose of this zone is to provide for an area in the town center that will fulfill the need for retail sales and professional offices.

A. Permitted uses shall include:

1. All commercial uses that are retail in nature or provide a service.
2. Public facilities such as schools, city infrastructure, parks and playgrounds.
3. Residential use directly related to the commercial use on the property as determined by the administrator.

B. Uses requiring Conditional Use Permits: The commission may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. On all Conditional Use permit applications, the commission shall have the

discretion to require an impact statement on surrounding properties and upon City services and infrastructure. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interest of the surrounding property or neighborhood and City services or infrastructure from damage, hazard, nuisance or other detriment:

1. Wholesale operations.
2. Churches and Parish Halls.
3. Junk Yard /Second Hand Sales.
4. Adult bookstores.
5. Rifle and Pistol Range.
6. Residential use as defined in the Medium Density Residential (MDR) and Low Density Residential (LDR) zones, except that all residential setbacks will be observed if a residential use is built in the Commercial Zone (C).
7. Manufactured Home Parks.
8. Temporary buildings as uses necessary for construction purposes for a period not to exceed one year.

C. Landscaping required: Landscaping shall be required to cover at least five percent (5%) of the parking lot areas of any commercial development in the City of Murtaugh. Landscaping will be placed in such a manner as to buffer surrounding incompatible uses. This requirement shall apply to all new commercial development after the date of this ordinance and to any remodel of a commercial facility should it be determined that more than fifty percent (50%) of the facility is being remodeled or expanded. The commission shall review and approve all landscaping plans. If the commercial development abuts a residential area, a buffer of landscaping or fencing shall divide the commercial development from the residential area. No buffer shall exceed six (6) feet in height. The commission shall review and approve all landscaping plans.

D. Site Requirements: There shall be no minimum lot size or setbacks, unless the commercial use is contiguous to a residential zone. The side and rear yard setbacks as required by that residential zone shall be observed on all sides of the commercial property contiguous with the residential zone.

E. Water/Sewer Services: All domestic and commercial uses must connect to City water and/or sewer within one hundred (100) feet of an existing water and/or sewer line.

1-11 Industrial Zone (I) Designated Uses. The purpose of the Industrial Zone (I) is to provide areas by zoning procedures and in accordance with the Comprehensive Plan which encourage suitable areas in which industrial uses may locate, substantially free from residential or retail commercial activities.

A. Permitted uses shall include:

1. All light industrial uses including manufacturing plants, processing plants and related uses.
2. Wholesale commercial businesses.
3. Public facilities.

B. Uses requiring Conditional Use Permits: The city may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. On all Conditional Use permit applications, the commission shall have the discretion to require an impact statement on surrounding properties and upon city services and

infrastructure. The City shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interest of the surrounding property or neighborhood and City services or infrastructure from damage, hazard, nuisance or other detriment:

1. All heavy industrial uses.
2. Temporary buildings as uses necessary for construction purposes for a period not to exceed one (1) year.

C. Landscaping Required: Landscaping shall be required to cover at least five percent (5%) of the parking lot areas of any industrial development in the City. This requirement shall apply to all new commercial development after the date of this ordinance, and to any remodel of a commercial facility should it be determined that more than fifty percent (50%) of the facility is being remodeled or expanded. The commission shall review and approve all landscaping plans.

D. Site Requirements: There shall be no minimum lot size or setback, unless the industrial use is contiguous to a residential zone. Then setbacks as required by that residential zone shall be observed on all sides of the industrial property contiguous with the residential zone:

1. Rear Yard. No building shall be constructed nearer than ten (10) feet from the rear lot line.
2. Side Yard. No building shall be erected closer than fifteen (15) feet to any side property line, except corner lots shall maintain a thirty (30) foot side yard adjacent to the street which intersects the street upon which the building fronts.

E. Water/Sewer Services: Industrial activities shall prove adequate water supply and provide for the proper treatment of discharge water in a manner to eliminate adverse effects upon the City sewer system and the environment.

1-12 Areas of Critical Concern (CC). The purpose of the Areas of Critical Concern (CC) zone is to designate areas along the Snake River and Dry Creek corridor within the community. These are very unique natural resource areas that must be protected from incompatible development and harmful impacts from the environment.

A. Permitted uses shall include:

1. Agricultural.
2. Passive recreational use (e.g., foot traffic only).

B. Uses Requiring Conditional Use Permits: The City may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. On all Conditional Use permit applications, the City shall have the discretion to require an impact statement on surrounding properties and upon City services and infrastructure. The City shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interest of the surrounding property or neighborhood and City services or infrastructure from damage, hazard, nuisance or other detriment:

1. All changes in land use require a Conditional Use permit.
2. The commission may, after notice and public hearing, allow all Conditional Uses provided for in the Agricultural District (A) where such uses are deemed essential or desirable to the public convenience or welfare.

3. On all Conditional Use permit applications, the commission shall have the discretion to require an impact statement on surrounding properties and upon City services and infrastructure. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and City services or infrastructure from damage, hazard, nuisance or other detriment:

C. Environmental Study: Any request for development of any kind within this zone must include an environmental study addressing the impact of such development on:

1. Unstable soils.
 2. Unique animal, wildlife, and plant life habitat.
 3. Particular or unique scenic value.
 4. Historical significance.
 5. Flood plains.
 6. Other factors as may be determined by the commission to be unique or of critical concern.
- Such requests must be presented to the commission for approval.

D. Site Requirements: Any development along a canyon rim shall require a one hundred (100) foot setback from the rim edge.

1-13 Mixed Planned Development (MPD). The purpose of this zone is to allow for the mixing of a variety of planned, compatible mixed uses. All development within this zone shall be by development agreement under a Conditional Use process. All of the above uses in the Medium Density Residential (MDR), Low Density Residential (LDR), Commercial (C), Industrial (I) and Areas of Critical Concern (CC) zones may be proposed for the Mixed Planned Development (MPD) zone, providing that the commission finds such uses to be compatible and not detrimental to the surrounding uses.

1-14 Available Permits

A. Variance:

1. Authority to Grant: The commission may authorize in specific cases which vary 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 an unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or 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 an unnecessary hardship or the loss of a building or site that is on a national, state or local register of historic places or sites.

2. Application: A variance from the terms of this title shall not be granted by the commission unless and until a written application for a Variance is submitted to the administrator and the commission containing:

- a. Name, address and phone number of applicant.
- b. Legal description of property.
- c. Description of nature of variance requested.
- d. A narrative statement and documentation demonstrating that the building or site is not

on a national, state or local register of historic places or sites, or that the requested variance conforms to all the following standards:

- i. 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.
- ii. 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.
- iii. That special conditions and circumstances do not result from the actions of the applicant.
- v. 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.

3. A Variance shall not be granted unless the commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant.
4. Supplementary Conditions and Safeguards: Under no circumstances shall the commission 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 implicitly prohibited by the terms of this title in said district. In granting any appeal or variance, the commission may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this title.
5. Public Hearing: Prior to granting a variance permit, at least one public hearing before the commission 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 within three hundred feet (300') of the parcel under consideration.
6. 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.
7. Action By Commission: Within thirty (30) days after the public hearing the commission shall approve, conditionally approve, or disapprove the request for appeal or variance.
8. Upon the granting or denying an application the commission shall specify:
 - a. The regulations and standards used in evaluating the application.
 - b. The reasons for approval or denial.
 - c. The actions, if any, that the applicant could take to obtain a permit.
9. The applicant or any affected person may appeal the decision of the commission to the council, provided a written appeal is submitted to the council within fifteen (15) days from the commission's decision.
10. Notification to Applicant: Within thirty (30) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request.
11. Appeal To Council: Upon receipt of an appeal from the action of the commission, the council shall set a hearing date under the same provisions as the commission hearing to consider all

information, testimony and commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision.

B. Conditional Use Permits.

1. A Conditional Use/land division provides for the one (1) time division of property, and is not to be confused with a subdivision (more than three divisions of the same parcel of property). Applications that may be considered by the planning and zoning commission are those which are specifically listed for its consideration. Items which are of such nature as to change to a less restrictive policy or precedent shall be considered by the commission. This applies to all zones.

2. Application-Filing-Contents: An application for Conditional Use permit shall be filed with the clerk by at least one owner of property for which such Conditional Use is proposed. The existing application shall be completed in its entirety and include the following:

a. A narrative statement shall be included evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

b. When the applicant owns or controls more contiguous or adjacent land that is not included in the proposal, the commission may require that they submit an overall plan for development of the entire tract, which plan shall show the manner in which the entire tract is to be developed. If no further land is owned, nor any further plan of development, a written statement shall be required. The commission may require the applicant to supply the additional information on any of the factors or criteria of the study.

c. All Conditional Uses except land divisions shall only apply to the property for which it was granted and to the current owner. It is not transferable to another property or to a new owner without the review and permission of the commission.

3. General standards applicable to Conditional Uses: The commission shall review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

a. Will, in fact, constitute a Conditional Use as established in this title for the zoning district involved, in that it is not already defined as a permitted use in the zoning ordinance;

b. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the zoning ordinance;

c. Will be designed, constructed, operated and maintained to be anonymous 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 or agencies 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 persons, property or 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.

4. Supplementary conditions and safeguards may be required: In granting any Conditional Use, the commission 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 Conditional Use is granted, shall be deemed a violation of this title.

5. Public hearing required - Notice of time and place: Prior to granting a Conditional Use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the commission. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published by the City in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio or television stations serving in the jurisdiction for use as a public service announcement. Notice shall be sent to all political subdivisions providing services within the jurisdiction at least fifteen (15) days prior to the public hearing. Notice of the hearing shall also be provided by the applicant by USPS mail to property owners and residents within the land being considered, three hundred feet beyond the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed Conditional Use as determined by the commission. The applicant shall provide receipts of the mailing to the commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notification, three notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appears ten (10) days prior to the public hearing. This notice shall be the responsibility of the City.

6. Commission action:

- a. Within thirty (30) days after the public hearing, the commission shall approve, or disapprove the application for Conditional Use permit as presented. If the application is to be approved, the commission shall list the specific conditions for approval.
- b. Upon granting of a Conditional Use permit, conditions may be attached to a Conditional Use permit including, but not limited to, those:

- i. Minimizing the adverse impact on other developments;
- ii. Controlling the sequence and timing of development;
- iii. Controlling the duration of development;
- iv. Assuring that development is maintained properly;
- v. Designating the exact location and nature of development;
- vi. Requiring the provisions for on-site or off-site public facilities or services;
- vii. Requiring more restrictive standards than those generally required in this ordinance.

7. Prior to granting a Conditional Use permit, the commission may request studies from the applicant or public agencies concerning social, economic, fiscal and environmental effects of the proposed Conditional Use. A Conditional Use permit shall not be considered as establishing a binding precedent to grant other Conditional Use permits. A Conditional Use permit is not transferable from one parcel of land to another.

8. The commission shall insure that any approvals for Conditional Use permits are in accordance with the Comprehensive Plan and established goals and objectives.
9. Within thirty (30) days after a decision has been rendered, the clerk shall provide the applicant with written notice of the action on the request.
10. If the Conditional Use is not implemented within one hundred eighty (180) days of final approval, such use will expire unless provisions for an extension are made.
11. If conditions are not met as approved the City has the right to rescind approval of the Conditional Use and cause such use to cease.

C. Lot Line Adjustment Procedures: 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 adjustment shall meet the definition of a "lot line adjustment" shown within section 1-5, "Definitions", of this title.
3. Mailed notice of the lot line adjustment, shall be provided to adjacent property owners, allowing for a ten (10) day comment period, from postage date. The planning and zoning administrator or designee may process the lot line adjustment application.
4. The city may take action on the lot line adjustment after administrative determination that the submittal complies with the definition of a "lot line adjustment".
5. A mylar of the record of survey, containing city engineer and city clerk signature areas shall then be submitted to the planning and zoning administrator or designee, and upon obtainment of these signatures, the applicant shall record the mylar and provide evidence of such recording back to the planning and zoning administrator or designee.
6. Upon tentative approval of the application by the planning and zoning administrator or designee subject to any applicable conditions of approval and the regulations of Ordinance No 97-11A Title Two (Subdivision Ordinance) of this chapter, the applicant or owner 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 planning and zoning administrator or designee.

1-15. Non Conforming Uses.

A. Any use lawfully occupying a building or land at the effective date of this ordinance which does not conform to the regulations for the district in which it is located shall be deemed to be a Non-Conforming Use and may be continued. Maintenance and minor repairs necessary to keep a nonconforming use in sound condition during such continuance shall be permitted.

B. A non-conforming building may be enlarged or extended only if the nonconforming use is discontinued and a legal use is planned for the structure. Thereafter, the entire building is devoted to a conforming use.

C. No building partially occupied by a Non-Conforming Use shall be altered in such a way to permit the enlargement or expansion of the space occupied by such Non-Conforming Use.

D. No Non-Conforming Use may be enlarged or extended in such a way as to occupy any required open space, or any land beyond the boundaries of the lot on which it existed at the effective date of this ordinance. No nonconforming use may displace any conforming use in the same building or on the same parcel.

E. Any non-conforming building destroyed by fire or other calamity to an extent of sixty percent (60%) or more of the physical structure may not be restored unless such restoration shall make the building a conforming building and any intended use shall be a conforming use; provided, however, that nothing in this title shall be construed to prevent the restoration and resumption of former lawful use of any building that is damaged or partially destroyed by fire, or other calamity, to the extent of less than sixty percent (60%); provided, that such restoration is started within one (1) calendar year and diligently prosecuted to completion.

F. Whenever a Non-Conforming Use of land or building has been discontinued for a period of one (1) year, with the exception of non-conforming agricultural uses which must be discontinued for a period of three (3) years, or whenever there is evidence of a clear intent to abandon a Non-Conforming Use, such use shall not thereafter be re-established, and the uses of the premises thereafter shall be in conformity with the regulations of the use zone.

G. A Conditional Use permit is required for the placement or replacement construction of grain storage bins or sheds used for storing grain, seed or other agricultural products.

1-16 Performance Standards. The purpose of these performance standards is to set specific conditions for various uses, and classification of uses in areas where problems are frequently encountered. In addition to all other regulations specified in this ordinance, the following provisions shall apply.

A. Conversion of dwellings to more units- A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions will meet the requirements of the zoning regulations for new structures in that zone;
2. The lot area per family equals the lot area requirements for new structures in that zone;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that zone; and
4. The conversion is in compliance with all other relevant codes and ordinances.

B. Temporary buildings- Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may only be permitted on the site (not

within the public right of way) in any zone during the period construction work is in progress not to exceed one year. Temporary facilities shall be removed upon completion of the construction work.

C. Parking and Storage of Certain Vehicles- Not more than two (2) inoperable and unregistered vehicles of any kind or type shall be parked or stored on any residential property other than in a completely enclosed building or carport or a licensed Junk Yard. All parking and storage of vehicles shall comply with Ordinance 4-96 of the Murtaugh City Code.

D. Provisions for hazardous uses- No land or building in any zone shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises.

E. Fire Hazards- Any activity involving the use or storage of flammable or explosive materials, including hazardous materials shall be protected by adequate firefighting and fire protection equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the Uniform Fire Code.

F. Radioactivity or Electrical Disturbance- No activity shall emit harmful radioactivity at any point or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

G. Noise- Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises attendant to ordinary agricultural operations.

H. Vibration- No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

I. Air Pollution- Air pollution shall be subject to the requirements and regulations established by the South Central Public Health District or the State of Idaho.

J. Glare- No direct or reflected glare shall be permitted which is visible from any property outside of an Industrial (I) or Commercial (C) zone or from any street.

K. Erosion- No erosion, caused by human instrumentalities, shall be permitted which will carry objectionable substances onto neighboring properties.

L. Enforcement Provisions- The commission, prior to the issuance of a building permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

M. Measurements Procedures- Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures by the South Central Public Health District.

N. Accessory Building

1. Will not be located in any required front yard area.
2. Will not be located closer than ten (10) feet from any side or rear property line.

3. All structures contain one hundred twenty square feet or less shall not require a building permit. Those exceeding one hundred twenty (120) square feet shall require a building permit to be constructed with exception of agricultural buildings in the agricultural zone.

O. Animal Clinic, Animal Hospital, Veterinary Office and Kennel- Will be located at least three hundred (300) feet from any residence including motels and hotels, except for an owner's residence. The commission may modify these requirements if the animals are housed in sound-proof structures that screen them from view of the abutting residential property.

P. Bulk Storage of Flammable Liquids and Gases, above ground and for resale.

1. Will be located at least three hundred (300) feet from a residence, motel, or hotel, except for an owner's residence.

2. Will be erected only with the written approval of the Fire Authority having jurisdiction.

3. Will have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the Fire Authority.

Q. Chemicals, Pesticide and Fertilizer Storage and Manufacturing- Will have adequate fire protection, storage area, handling and disposal as approved in writing by the Fire District having jurisdiction.

R. Drive-in Restaurant-

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

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

3. Will provide for adequate trash receptacles; and

4. Will avoid the direction of night lighting of the property lines.

S. Filling, Grading, Lagooning, Dredging, or other Earth Moving Activities.

1. Will take place in such a manner as to result in the smallest amount of bare ground exposed for the shortest time feasible.

2. Will provide temporary ground cover, such as mulch.

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

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

5. Will not result in damage to a floodway, channel or natural drainage way.

6. Will construct and stabilize sides and bottom of cuts, fills, channels, and artificial water courses to prevent erosion or soil failure.

7. Will not have below grade excavation except for drainage ways within fifty (50) feet of any lot line or public right-of-way.

8. Will restore topsoil or loam to a depth of not less than four (4) inches.

T. Home Occupations-There shall be two types of Home Occupations allowed, that which operates within the home or accessory building, or that which utilizes the home as the base of operations with actual work being off the premises. All new Home Occupations must apply for a Conditional Use permit as listed in section 1-14.

1. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation.

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than fifty percent (50%) of the floor area of the dwelling unit shall be used in conducting a home occupation. The home occupation may take place in an accessory building meeting all other City regulations and the further regulations of this section.
3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal or accessory building.
4. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

U. Riding Stables and Schools

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

V. Rifle and Pistol Range

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

W. Wrecking Yard and Junk Yard

1. A sight obscuring fence meeting the terms of this ordinance shall be constructed parallel to and ten (10) feet back of the right-of-way line of any public street or highway for any auto wrecking yard and salvage yard. Said fence shall be constructed along the entire premises devoted to such auto wrecking or salvage yard, and shall be constructed within one (1) year from the effective date of this ordinance.
2. Materials used and details of construction must be approved by the commission. The decision of the commission shall be guided by the need to preserve and protect the scenic and aesthetic values of the surrounding area, and to protect property value.
3. Will not store automobile, junk or salvage material that is visible from any other property.
4. Will not store automobiles or junk in a manner that exceeds the height of the fence.
5. Will have such landscaping that is appropriate with the surrounding area.
6. Will have a current, valid license from the City to operate a Junk Yard and shall meet all other regulations of the City specified outside the zoning ordinance.

X. Landfills, Recycling Centers, Incinerators, Compost Operators, and other Solid Waste Disposal Facilities- The planning commission may grant a Conditional Use permit for the construction of a landfill, recycling center, incinerator, commercial composting operation, liquid waste land farm, or any other type of solid waste disposal or recycling operation subject to the following conditions:

1. No such permit shall be granted in the Medium Density Residential (MDR), Low Density Residential (LDR), Commercial Zone (C) or Area of Critical Concern (CC) zones.
2. Such operation shall obtain a permit from the City of Murtaugh and/or the Board of County Commissioners pursuant to the terms of the Twin Falls County Solid Waste Regulations, whichever is appropriate.
3. Such operation shall be required to establish, to the Commission's satisfaction that they intend to and are financially capable of complying with all State, Federal, and local laws, ordinances, and regulations governing the conduct of such operations.
4. Such operation shall be required to plan for, install, and maintain such safeguards and measures as the commission shall require to ensure that ground water quality and air quality, are preserved and environmental hazards and nuisance and unsightly areas are not created by the operation.
5. Such operations that involve the landfilling of solid waste shall be required to install a composite liner system and a leachate collection system.

Y. Firearms Usage- Use of firearms within the City shall be restricted in accordance with ordinances of the City.

AA. Fences- Fences shall not exceed six (6) feet in height when located on or behind the side or the rear of the property lines. Fences shall not exceed three (3) feet in height if located within the front yard unless such fence is constructed of material which allows clear vision for sight distance through the fence. If the fence is constructed of such material, it may be constructed to six feet in height in the front yard areas.

BB. Development Near Canals:

1. All development shall maintain a thirty (30) foot setback from the canal, including trees and buildings.
2. All developments shall receive canal company approval.
3. Easements, as may be required by the canal company to maintain the canal, shall be granted.
4. The commission may require fencing or other buffering of the canal from the development if deemed necessary.

CC. Manufactured Home Parks.

1. Development Standards: Parks may be allowed in Medium Density Residential (MDR), Low Density Residential (LDR) and Commercial Zone (C) zones by Conditional Use permit, but only when such parks are constructed and maintained in accordance with the following standards and conditions.

- a. The park must be approved by the commission prior to the issuance of a permit.
- b. The park shall contain at least two (2) acres, and at least one side of the park shall abut a public street.
- c. A centralized culinary water system and sewage disposal system approved by the South Central Public Health District and the City provided for all spaces in the park.
- d. At least eighty percent (80%) of the spaces in a park shall not be less than five thousand

(5000) square feet in area. The remainder of the spaces in the park shall be not less than three thousand (3000) square feet in area. All spaces shall include off-street parking areas for the spaces as required by this ordinance.

e. Each space shall have a minimum frontage width of forty (40) feet facing a roadway.

f. Yard areas shall be required in accordance with the following:

i. A side yard of ten (10) feet shall be required on each space adjacent to any roadway or off-street parking area.

ii. A side yard of ten (10) feet shall be required on each space adjacent to any exterior boundary of the park.

iii. A side yard of five (5) feet shall be required on each space adjacent to any other boundary of a space.

g. The boundaries of each space shall be clearly, distinctly, and permanently outlined.

h. In no event shall the occupied area of a space exceed fifty percent (50%) of the total space. The area shall be deemed occupied when covered, or occupied by a Manufactured Home or any other stored vehicle, structure, or combination.

i. The park shall be completely surrounded by a fence, not less than six (6) feet in height, or else a twenty (20) foot landscaped strip of lawn and shrubs shall be installed with the following exceptions:

i. Point of ingress and egress from dedicated public streets.

ii. A fifty (50) foot yard shall be provided, landscaped and maintained between the public street and the park.

j. Trees, shrubs, grass, or other forms of landscaping shall be provided in sufficient quantities to insure a residential like appearance.

k. Off-street parking shall be provided in accordance with the terms of this ordinance.

l. There shall be at least one central area within each park set aside for recreational use which shall contain not less than five (5) percent of the total area of the park. The recreational area shall be landscaped and maintained for common use of the park occupants, and the minor axis of the recreational area shall not be less than one-third (1/3) of the length of the major axis.

m. There shall be a vehicle storage area provided in the amount of not less than five percent (5%) nor more than ten percent (10%) of the total park area, which is to be fenced or walled in a manner that will prevent small children from entering the storage area unless accompanied by adults.

n. The layout of the park shall be so designed that it can be coordinated with a residential neighborhood street system in the event such park is discontinued.

o. Roads that are three hundred (300) feet or longer are to be stubbed to the perimeter of all sides of the park. The maximum distance between streets to the perimeter shall not exceed on thousand (1000) feet. There must be two (2) roads of entrance or exit from each park.

p. Road right- of-ways shall be a minimum of fifty (50) feet wide, to allow forty (40) feet to be street and five (5) feet on each side to be a walkway. All driveways and walkways shall be hard-surfaced and driveways shall be lighted at night with electric lamps of not less than twenty-five (25) lumen, or some equal light, spaced at intervals of not more than one hundred (100) feet on the roadway.

q. An electrical outlet supply of at least one hundred-ten (110) volts shall be provided for each trailer space.

r. The owner or operator of a park shall maintain the entire park in a neat and orderly

manner. All installations and common areas required by this ordinance shall be maintained in a good state of repair.

s. Points of ingress and egress shall be located and designed to provide safe and convenient access to and from the park to eliminate congestion in the streets.

t. A swimming pool is optional, but when constructed, such pools must comply with the requirements of the South Central Public Health District or State of Idaho and shall be surrounded by a fence or wall six (6) feet high with self-latching gates that will prevent small children from entering the pool area when unattended by adults.

u. The construction, layout, and operation of the park must be such that in the opinion of the commission, property values in the surrounding area and the objectives and characteristics of the zone in which the park is located will be fully maintained.

2. Review of Manufactured Home Parks.

a. The commission shall have the authority to require the attachment of conditions and covenants to the grant of a permit for a park, or may require changes to be made in the plans. All such conditions and covenants shall be binding upon the applicants, their successors and assigns, shall run with the land, shall limit and control the issuance and validity of building permits and said conditions and covenants shall be recorded with the County Recorder of Twin Falls County. Said conditions and covenants shall also limit and control the maintenance of all land and structure within the development. Approval of the permit and the conditions and covenants imposed in the granting of said permit are declared to be inseparable, and the failure or neglect to do or carry out the conditions and covenants shall constitute a violation of this zoning ordinance.

b. Failure to comply with conditions- A violation for failure to comply with the conditions under which approval was given shall be cause for termination of the approval thereof, and shall be deemed to be a violation of this ordinance.

c. Failure to maintain landscaping- Continuing obligation- Maintenance of required landscaping is a continuing obligation. In case of failure to maintain landscaping as required by the provisions of this ordinance or as specifically made applicable thereto by action of the City, such failure or neglect shall be deemed to be a violation of this ordinance and shall be subject to the penalties prescribed for violations.

d. Application- Application for a Conditional Use permit for a Manufactured Home Park, shall be made to the City Clerk. The application shall be accompanied by maps, plans and explanatory material as may be required by the commission to adequately present the matter to the City Council.

1-17 Street Access- No lot shall be developed without proper access to a public street. Should such street not be improved, it shall be the responsibility of the property owner of the property being developed to improve the street to City standards as delineated in the Murtaugh Subdivision Ordinance and other such standards as may be set by the City.

1-18 Off Street Parking-Off Street Parking for all new development will be required at levels delineated on the "Off Street Parking Design and Dimensional Tables."

A. General Requirements

1. No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.

2. The provisions of this chapter except where there is a change of use, shall not apply to any existing building or structure. Where the new uses involve no additions or enlargements, there shall be provided as many such spaces as may be required by this ordinance.

3. Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

B. Standards

1. Location of Parking Spaces. The following regulations shall govern the location of off-street parking spaces and areas:

a. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

b. Parking spaces for commercial, industrial or institutional use shall be located not more than five hundred (500) feet from the principal use.

c. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

2. Loading Space Requirements and Dimensions. Off-street loading spaces for commercial uses may be required by the City.

3. Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of dust, trash and other debris.

4. Surface. The required number of parking and loading spaces as set forth in the section below, Parking Space Requirements, together with driveways, aisles and other circulation areas, shall be improved to a standard equal or better to the surface of the public street it adjoins, except as provided for in 1-18(H).

5. Drainage. All parking and loading areas shall provide for proper drainage on site of surface water as approved by the City.

6. Lighting. Except in the Medium Density Residential (MDR), Low Density Residential (LDR) and Area of Critical Concern (CC) zones, any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect light away from the adjoining property.

7. Any commercial or industrial parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.

8. Striping and Paving. All parking areas with a capacity over twenty (20) vehicles shall be paved and striped with double lines, six (6) inches both side of center, between stalls to facilitate the movement into and out of the parking stalls.

9. Screening and/or Landscaping. Whenever a parking area screened on any sides which adjoin or face other properties the planting screen shall be not less than four (4) feet not more than (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with

grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

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

11. Minimum Distance Setbacks. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless, separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

12. Disabled Vehicles. Subject to any other limitations contained in this ordinance, the parking of a disabled vehicle within a residential or commercial zone for a period of more than two (2) weeks shall be prohibited, unless, such vehicle is stored in an enclosed garage or other accessory building.

13. Joint Use. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the City shall be filed with the application for a building permit.

Off Street Parking Design and Dimensional Tables

| | | 45 | 60 | 90 | Parallel |
|---|-------------------------|-----|-----|-----|----------|
| A | Width of Parking Space | 13' | 10' | 9' | 9' |
| B | Length of Parking Space | 15' | 18' | 19' | 23' |
| C | Width of Driveway Aisle | 13' | 17' | 25' | 12' |

C. Parking Space Requirements: For the purpose of this ordinance the following parking space requirements shall apply:

1. Residential Parking Spaces Required.

- a. Single family or two (2) family dwelling- Two (2) for each unit.
- b. Apartments, or multi-family dwelling- One and one half (1.5) for each unit.
- c. Manufactured Home Park- Two (2) for each unit

2. Commercial Parking Spaces Required.

- a. Automobile service garages which also provide repair- One (1) for each (2) gasoline pumps and two (2) for each service bay.
- b. Hotels, motels- One (1) per each sleeping room each and two (2) employees.
- c. Funeral parlors, mortuaries and similar- one (1) for each Four (4) person capacity in the viewing type uses and Chapel areas.

3. Recreational or Entertainment Parking Spaces Required.

- a. Dining rooms, restaurants, taverns, night clubs, etc.- One (1) for each two hundred (200) square feet of floor area.
- b. Bowling Alleys- Four (4) for each alley or for each one hundred (100) square feet of the area used for restaurant, cocktail lounge or similar use.
- c. Dance floors, skating rinks- One (1) for each one hundred (100) square feet of floor area used for the activity.
- d. Outdoor swimming pools, public or community or club – One (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) square feet of floor area used for seating purposes whichever is greater.
- e. Auditoriums, sports arenas, theaters and similar uses- One (1) for each four (4) seats

- f. Retail stores- One (1) for each two hundred and fifty (250) square feet of floor area.
- g. Banks, financial institutions - One(1) for each two hundred (200) square feet similar uses of floor area.
- h. Offices, public or professional administration service building One(1) for each four hundred (400) square feet of floor area.
- i. All other types of businesses or commercial uses permitted in any business district- One (1) for each three hundred (300) square feet of floor area.

4. Institutional Parking Spaces Required.

- a. Churches or other places of religious assembly- One (1) for each five (5) seats
- b. Hospitals- One (1) for each bed.
- c. Sanitariums, homes for the aged, nursing homes, children's homes, asylums and similar- One (1) for each two (2) beds.
- d. Medical and dental clinics uses room office and waiting rooms- One (1) for every two hundred (200) square feet of floor area.
- e. Libraries, museums and art galleries- One (1) for each four hundred (400) square feet of floor area.

5. Schools (Public, Parochial or Private).

- a. Elementary and Junior High schools- Two (2) for each classroom and one (1) for every (8) seats in auditorium or assembly halls.
- b. High Schools - One (1) for every ten (10) students and one (1) for each employee.
- c. Business, technical and trade schools- One (1) for each two (2) students.
- d. Colleges and universities- One for each four (4) students.
- e. Kindergartens and child care centers- Two (2) for each classroom but not less nursery schools and similar use than six (6) for the building.

6. Manufacturing.

- a. All types of manufacturing storage- One (1) for every two (2) employees (Except, parcel delivery and freight for which the building is terminal designed) plus one (1) for each motor vehicle used in the business.

1-19 Comprehensive Plan and Land Use Ordinance of the City of Murtaugh Changes-Upon Annexation of Unincorporated Area. Prior to annexation of an unincorporated area, the Commission and the City Council shall review proposed Comprehensive Plan and Land Use Ordinance of the City of Murtaugh changes for the unincorporated area. The council shall follow the notice and hearing procedures provided in Idaho Code section 67-6509. Concurrently or immediately following the adoption of an ordinance of annexation, the Council shall amend the Plan and Land Use Ordinance of the City of Murtaugh.

1-20 Administrative Procedures.

A. Development Applications. Upon receipt of a development application the City Council shall follow the notification and public hearing requirements specified in Title 67, Chapter 65 of the Idaho Code. All applications must be signed by the property owner in question. It shall be the applicant's responsibility to collect and turn into the City of Murtaugh as part of his/her application the names of all property owners within three hundred (300) feet of the property if such notification is required.

B. Appeals. All decisions on appeals concerning performance standards, Conditional Uses, Variances and Lot Line Adjustments shall be made by the City council. An appeal to the District Court from any final order, requirement, decision or determination of the City Council may be undertaken by filing written notice of such appeal with the District Court Clerk as allowed by applicable law.

C. Penalties. Penalties for failure to comply with any of the provisions of this ordinance shall be in accordance with the provisions of state law as follows:

1. Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
2. For each separate offense, each person found guilty thereof may be fined not more than \$300 and/or sentenced to jail to not be more than ten (10) days.
3. In addition to criminal penalties, all persons violating any of the provisions of this ordinance shall be liable to the City of Murtaugh for any and all expenses of every kind and nature which may be incurred by the City as a result of the violation. The City may, upon learning of the violation, file a lien upon the property. After filing, it may proceed with foreclosure of its lien in a lawful manner. This right of the City to proceed as set forth herein does not put upon the City any obligation to do so, and shall not be construed as an acknowledgment of any such duty or obligation. Any such action shall be and is entirely at the sole and exclusive discretion of the City Council of the City of Murtaugh.
4. In addition to all loss which may be incurred by the City, all persons in violation any of the provisions of this ordinance, shall be responsible for payment of all court costs and for reasonable attorney's fees incurred in enforcing and/or remedying any such violation.
5. Nothing herein contained shall prevent the City or any other public official or private citizen from taking such lawful action as is otherwise necessary to restrain or prevent any violation of this ordinance or of the Idaho Code.

1-21 Solar Energy System

A. Purpose: The purpose of this chapter is to provide, through zoning provisions, for the reasonable development of residential solar energy systems while providing adequate health, safety and general welfare protections of city of Murtaugh residents. Accordingly, it is necessary and appropriate to adopt reasonable requirements for solar energy system development that helps minimize potential impacts on the residents of city of Murtaugh. For the purpose of this ordinance, all solar installations or expansions will be considered cumulatively per parcel whether roof mounted or ground mounted.

B. Definitions: For the purposes of this chapter 1-21, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

| | |
|--------------------|--|
| ACCESSORY | Solar systems up to 15 kW intended to offset residential electrical usage |
| RESIDENTIAL SOLAR: | demand. |
| ARRAY: | Any number of electrically connected photovoltaic (PV) modules providing a single electrical output. |

| | |
|--|--|
| CUSTOMER GENERATION: | An arrangement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems. |
| GROUND-MOUNTED SYSTEM: | A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure. |
| KILOWATT (KW): | A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW). |
| PHOTOVOLTAIC (PV): | A semiconductor-based device that converts light directly into electricity. |
| ROOF-MOUNTED SYSTEM: | A solar system attached to any part or type of roof on a building or structure that is either the principal structure or an accessory structure on a recorded parcel. |
| SOLAR ENERGY SYSTEM (SES): | An energy system of which the primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. Very small accessory systems of 5 kW or less shall not be considered a solar energy system for the purpose of permitting except when cumulatively they exceed other provisions of this ordinance. |
| SOLAR FARM: | A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the purpose of sale of generated electricity. |
| SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT: | Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, inverters, framing, and foundations used for or intended to be used for collection of solar energy. |
| SOLAR PHOTOVOLTAIC (PV) SYSTEM: | A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. |
| TRACKING SYSTEM: | A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism. |

C. Zoning Classifications: Subject to the provisions of this chapter:

1. Solar Energy systems producing less than 15 kW shall be considered an allowed use by right within zones A, LDR, MDR, C, I, and MU, if they are not covered by an airport or airspace overlay zone, and are subject to an administrative permit and the standards listed herein.
2. Systems producing more than 15 kW shall be allowed only by administrative permit, or Conditional Use permit approval as outlined in this chapter.

D. Administrative Permit Requirement:

1. No solar energy system, or an addition to an existing system, shall be constructed or located within the city of Murtaugh unless an administrative permit under this chapter has been issued by the zoning official approving the construction for a solar energy system.
2. Each application shall be submitted with the fee established pursuant to resolution of the city of Murtaugh as adopted. Such fee shall be reasonably related to the cost of administering this chapter 1-21.

3. Applications for roof mounted solar energy systems of any square footage up to 15 kW, in zones A, LDR, MDR, C, I, and MU, not covered by an airport/airspace overlay, and that meet the design requirements of this ordinance shall be by administrative approval of the zoning official and shall not require a Conditional Use permit. However, nothing in this ordinance is intended to allow incremental increases over time, or multiple small systems in order to avoid the provisions of this ordinance.
4. Applications for ground mounted solar energy systems of 800 square feet or less, in zones A, LDR, MDR, C, I, and MU, not covered by an airport/airspace overlay, and that meet the design requirements of this ordinance shall be by administrative approval of the zoning official and shall not require a Conditional Use permit.
5. Solar energy system components must have an anti-reflectivity coating to help reduce the amount of glare from the panels.
6. Historic Buildings - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the Historic Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

E. Administrative Permit Application: At the time of administrative permit application, the applicant shall provide to the administrator:

1. A complete application form including required submittals as outlined on the application form.
2. A narrative describing an overview of the project including the number of kW to be produced, total square footage of solar panels, and the location, number and description of accessory equipment and structures to the extent known.
3. A site plan of the property that depicts the locations of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations, and buildings), property lines, rights-of-way, roads, required setbacks, and visual buffers.
4. Site installation acknowledgment affidavit.
5. Right to Farm Affidavit.
6. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not producing power for 12 consecutive months. The plan shall include the following:
 - a. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
 - b. A statement of conditions that require the decommissioning plan to be implemented;
 - c. As part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed;
 - d. As part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed; and
 - e. A timeline to complete decommissioning.

F. Site Design and Installations:

1. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt. Systems that exceed this height will only be allowed by Conditional Use permit.
2. For rooftop fire safety, required setbacks of 3 feet from roof ridges, and 1.5 feet from valleys and headwalls shall be met to allow fire fighter access.
3. Setback distances for ground mounted systems shall be at least 50' from property lines, and

100' from public roads.

4. Solar energy systems proposed to be located within 1,000 feet of an airport, within approach zones of an airport, or in an airport or airspace overlay zone will be required to complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT).

5. Lighting: Any lighting at the solar installation site, either temporary or permanent, shall utilize motion sensors and be directed downward and inward toward the solar installation so as to minimize the glare on public roads and adjacent properties.