

TITLE 10

ZONING AND SUBDIVISION REGULATIONS

CHAPTER 1

GENERAL ZONING PROVISIONS

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10-1-1: TITLE:

These regulations shall hereafter be known, cited and referred to as the development regulations of the City and shall include all zoning and subdivision regulations governing developments under the jurisdiction of the City.

10-1-2: AUTHORITY:

(A) Pursuant to the powers and jurisdictions vested through the laws, Statutes and regulations of the State of Idaho, the City Council does hereby exercise the power and authority to adopt zoning and subdivision regulations to regulate development of lands under its jurisdiction. Such regulation of the development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State to this City. The developer has the duty of compliance with reasonable conditions laid down by said Council for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the Municipality and to the safety and general welfare of the future property owners in the subdivision and of the community at large.

(B) Under the power and authority so vested, the Council hereby declares that no building permit or certificate of zoning compliance shall be issued for any parcel or plat of land subject to the regulations nor shall any excavation or filling of land or construction of any public or private improvements take place or be commenced thereon, except in conformity with these regulations and no land subject to these regulations shall be subdivided and sold or offered for sale until the owner has obtained approval of a final plat in accordance with these regulations ¹ and the approved plat is filed with the County Recorder.

Notes

¹ 1. See Section 10-12-2-4 of this Title.

10-1-3: JURISDICTION:

(A) These regulations shall apply to all lands and improvements within the corporate City limits.

(B) They shall also apply to lands and improvements outside the corporate City limits that:

1. Are within the designated "area of impact" ¹ and are not incorporated into an active agricultural unit of twenty (20) acres or more.

2. Are under written agreement by past or present owners to be regulated in return for enjoying the benefits of certain services normally available only to in-city lands.

(C) For subdivision regulation only, all lands within one mile of the corporate City limits are subject by State law to the

City's ordinances.

Notes

- 1 2. See Chapter 8 of this Title.

10-1-4: POLICY OF CITY:

It is hereby declared to be the policy of the City to consider the development of land within the jurisdiction of the City subject to the control of the City and to adopt development regulations to facilitate accomplishment of the goals and objectives of any comprehensive plans of the City for the orderly, planned, efficient and economical development of the City. It shall be the general policy of the City that:

(A) All land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace;

(B) Land shall not be subdivided until all available public facilities and improvements exist or have been given proper consideration by the City Council and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements;

(C) All existing and proposed public improvements shall conform to and be properly related to any proposals shown in a comprehensive plan, official map or capital budget and program of the City;

(D) All existing and proposed public improvements shall conform to and be properly related to any proposals shown in a comprehensive plan, official map or capital budget and program of the City.

It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in any building and housing codes¹, zoning ordinances, comprehensive plans, official maps, land use plans and capital budgets and programs adopted by the City.

Notes

- 1 1. See Title 4 of this Code.

10-1-5: PURPOSE:

Pursuant to the general policy of the City, these regulations are adopted for the following purposes:

(A) To protect and provide for the public health, safety and general welfare of the Municipality.

(B) To guide the future growth and development of the Municipality, in accordance with any comprehensive plan of the City.

(C) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of the Municipality and to encourage the orderly and beneficial development of all parts of the Municipality.

(E) To protect and conserve the value of land throughout the Municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.

(G) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

(H) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve any proposed development.

(J) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Municipality in order to preserve the integrity, stability and beauty of the community and the value of the land.

(K) To preserve the natural beauty and topography of the Municipality and to insure appropriate development with regard to these natural features.

(L) To provide for open spaces through the most efficient design and layout of the land, including the use of average

density in providing for minimum width and area of lots, while preserving the density of land as established in this Title. (Ord. 2012, 7-6-81)

(M) To minimize public and private losses due to flood conditions as follows:

1. To minimize expenditure of public money and costly flood control projects;
2. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
3. To minimize prolonged business interruptions;
4. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
5. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
6. To insure that potential buyers are notified that property is in an area of special flood hazard; and,
7. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 2045, 7-6-82)

10-1-6: INTERPRETATION:

The Administrator ¹ shall be responsible for the interpretation of these regulations and any interpretation and application of the regulations shall be the minimum requirements for the promotion of the public health, safety and general welfare. This is not intended to abrogate any appeal rights provided herein.

Notes

- ¹ 1. See Section 10-17-1 of this Code.

10-1-7: CONFLICTS OF LAW:

(A) These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, Statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(B) These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulation than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the City Council or the Municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not consistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder but will not be enforced by the City.

10-1-8: SEVERABILITY:

If any part of provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

10-1-9: SAVING PROVISION:

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Municipality except as shall be expressly provided for in these regulations.

10-1-10: AMENDMENTS:

For the purpose of providing for the public health, safety and general welfare, the City may from time to time amend the provisions imposed by these development regulations. Public hearings on all proposed amendments shall be held by the City in the manner herein prescribed ¹.

Notes

- ¹ 1. See Chapter 14 of this Title.

10-1-11: VIOLATION AND PENALTIES:

Whenever a violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis of the same and shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate the same and take such action, or cause the same to be taken thereon as provided by this Title ¹. The City Attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Title.

Any violation of the provisions of this Title or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such continuing violation may be found guilty of a separate offense for each day the violation continues as aforesaid. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as it necessary to restrain or prevent any violation of this Title or the Idaho Code.

Provided, however, that where property has been made nonconforming or where an existing nonconforming use has been increased by the exercise of eminent domain, it shall not be a violation and no penalty, either civil or criminal, shall result. Persons desiring to change or modify the use of said nonconforming properties in a manner which would, but for the exercise of eminent domain, be permitted outright, may apply for a special use permit, which permit may be granted with due consideration given to the health, safety and welfare of the citizens of the City.

Any person convicted of violating any of the provisions of this Title shall be punishable by imprisonment for a term not to exceed ninety (90) days, a fine not to exceed three hundred dollars (\$300.00) or by both such fine and imprisonment, or as the Court shall deem necessary in the interest of justice.

Notes

- ¹ 2. See Section 10-13-1-6 of this Code.

10-1-12: EFFECTIVE DATE:

The Zoning Code, as hereby adopted, shall be effective immediately upon its passage and publication as required by law, and shall be in full force and effect. (Ord. 2012, 7-6-81)

CHAPTER 2

ZONING DEFINITIONS

SECTION:

10-2-1: Definitions

10-2-1: DEFINITIONS:

For the purposes of this title certain words used herein shall mean what is indicated in this chapter. (Ord. 2124, 10-15-1984)

The present tense includes the future tense, and the singular number includes the plural and the plural number includes the singular.

The word "shall" or "will" is a mandatory requirement, the word "may" is a permissive requirement.

The word "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".

ACCESS EASEMENT: An easement across one or more adjacent properties to allow vehicular access to an otherwise inaccessible area at any time. (Ord. 2012, 7-6-1981)

ACCESSORY BUILDING, ATTACHED: An accessory building that is attached to or within ten feet (10') of a dwelling. (Ord. 2124, 10-15-1984)

ACCESSORY BUILDING, DETACHED: An accessory building which is located a minimum of ten feet (10') from a dwelling. The footprint of the building shall be used to determine the maximum permitted size of a detached accessory building. (Ord. 2741, 11-4-2002)

ACCESSORY USE OR STRUCTURE: A use or structure that is incidental and subordinate to the principal allowed use of a property and located on the same lot as the principal allowed use.

ADMINISTRATOR : A person who is legally vested with the right of administration of this ordinance. (Ord. 2012, 7-6-1981)

AGRICULTURAL LAND: Land used for the raising of plant crops and animals on pasture, but excluding feedlots and dairies. (Ord. 2275, 7-17-1989)

AGRITOURISM ACTIVITY: An accessory use/secondary activity carried out on an active farm or ranch of ten (10) acres or more that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic, cultural, on-site educational farming programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, farm animal petting zoos, short term farm festivals, corn mazes, "harvest-your-own" events, hayrides, barn parties, horseback riding, fee fishing and camping. An activity is an agritourism activity whether or not the participant paid to participate in the activity. (Ord. 2018-007, 8-20-2018)

ALLEY: See definition of street.

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

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guestrooms or suites of rooms and dwelling units.

APPLIANCE REPAIR: The repair of a household or office device operated by gas or electrical current.

APPROVED: Unless otherwise indicated, shall mean by the Council. All approvals delegated herein to administrative personnel of the City are subject to review and final determination by the Council. (Ord. 2012, 7-6-1981)

ARCHITECTURAL PROJECTION: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building but shall not include signs. Examples of such projections are cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, etc. For carports or canopies the architectural projection shall be measured from the support posts unless said posts are located more than three feet (3') from the outer edge of the carport or canopy roof. In such case a maximum of three feet (3') shall be considered the architectural projection. (Ord. 2124, 10-15-1984)

AREA OF IMPACT: The area surrounding the city as established by mutual agreement with the county in conformance with state law. (Ord. 2012, 7-6-1981)

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. (Ord. 2045, 7-6-1982)

AUTOMOBILE AND RECREATIONAL VEHICLE RENTAL/STORAGE YARDS: Parking and/or storage of new and/or used automobiles and recreation vehicles, which may or may not be capable of immediate operation under their own power. (Ord. 2741, 11-4-2002)

AUTOMOBILE IMPOUND FACILITY: A facility that provides temporary outdoor storage for three (3) or more vehicles that

are to be claimed by titleholders or their agents, provided that no vehicle shall be stored at said facility for more than forty five (45) days and must remain mechanically operable and licensed at all times, or a parcel of land or a building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding fourteen (14) days. (Ord. 2773, 12-15-2003)

AUTOMOBILE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT REPAIR: The repair of automobiles, mobile homes, travel trailers and farm implements.

AUTOMOBILE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES AREAS: An open area, other than a street used for the display, sale or rental of new or used automobiles, mobile homes, travel trailers, or farm implements but not including repair work except minor incidental repair of same to be displayed, sold or rented on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of two (2) or more used motor vehicles, mobile homes or trailers. (Ord. 2012, 7-6-1981)

AUTOMOBILE WRECKING YARD AND JUNKYARD: Any area where automobile wrecking is carried out and/or accumulation of parts thereof, are stored in the open; or any land, building or structure used for the wrecking or storing of such motor vehicles or property containing any dismantled, abandoned, nonoperating, junked, damaged or destroyed household goods and equipment, motor vehicles, machinery or miscellaneous property. (Ord. 2773, 12-15-2003)

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. (Ord. 2045, 7-6-1982)

BASEMENT: A portion of living space in a dwelling unit all or at least one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground. (Ord. 2012, 7-6-1981)

BEST MANAGEMENT PRACTICES (BMPs): Those methods, or practices to prevent or reduce water pollution and include, but are not limited to, structural and nonstructural controls, and operation and maintenance procedures. BMPs can be applied before, during, and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters. (Ord. 2481, 5-1-1995)

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

BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets. (Ord. 2012, 7-6-1981)

BUILDING: Any structure having a roof supported by columns or by walls and intended or used for shelter, housing or enclosure of persons, animals, plants, chattels, or property of any kind. (Ord. 2124, 10-15-1984)

BUILDING LINE: See definition of Line, Building. (Ord. 2012, 7-6-1981)

BUILDING OFFICIAL: The building official or other city employee appointed by the building official. (Ord. 2957, 12-8-2008)

BUSINESS PARK: A development approved through the ZDA process that contains a number of separate manufacturing, commercial, office and supporting uses and open space. (Ord. 3082, 12-8-2014)

CALL CENTER: An operational center set up to utilize telecommunication and computer technologies to automate various high volume inbound and/or outbound telephone activities and services. (Ord. 2710, 12-3-2001)

CANYON RIM: The point below which the final slope toward Rock Creek or the Snake River exceeds thirty percent (30%) for a distance of ten (10) or more feet. The "final slope", as the term is used herein, excludes minor breaks in the canyon wall which have a slope of less than thirty percent (30%) but are: a) inaccessible from existing streets, and/or b) less than one hundred feet (100') in width. There may be multiple rims meeting this definition, and the requirements of the canyon rims overlay district apply to all such rims. The location of the rim shall be determined before any excavation or grading preparatory to development occurs. Any developer may, prior to filing an application for approval, request that the city engineer delineate the rim on his or her property.

CANYON RIM SETBACK: The shortest distance between the canyon rim and the exterior wall of any building for which a canyon rim setback is required. (Ord. 2466, 2-6-1995)

CARPOR, ATTACHED: Having all or part of one wall common to the dwelling or to a covered porch attached to the dwelling or located within ten feet (10') of a dwelling.

CARPOR, DETACHED: A roofed structure of which all sides and ends are not enclosed and which is located a minimum of ten feet (10') from a dwelling. (Ord. 2124, 10-15-1984)

CASHIER'S BOOTH: A building not exceeding sixty (60) square feet which is used solely for the receipt of money from automotive and petroleum products and which contains no items for sale. (Ord. 2072, 7-5-1983)

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided. (Ord. 2012, 7-6-1981)

CHANGE OF USE: A change of use from one of the following categories to another:

(A) Agricultural.

- (B) Agricultural processing.
- (C) Communications and utilities.
- (D) Cultural facilities.
- (E) Governmental facilities.
- (F) Manufacturing.
- (G) Medical facilities.
- (H) Miscellaneous.
- (I) Parks.
- (J) Public assembly.
- (K) Residential.
- (L) Retail trade.
- (M) Services.
- (N) Sports facilities.
- (O) Transportation.
- (P) Wholesale facilities. (Ord. 2526, 5-20-1996)

CITY: The city of Twin Falls.

CITY MANAGER: The city manager or other city employee appointed by the city manager. (Ord. 2957, 12-8-2008)

COLLOCATION: The use of a single support system on the ground by more than one carrier or several support systems on an existing building or structure by more than one carrier. (Ord. 2678, 1-16-2001)

COMMERCIAL USE: A structure or area intended for the selling, bartering or swapping of any merchandise, commodities, objects or services.

COMMISSION: The city of Twin Falls planning and zoning commission².

COMMON AREA: Lands or real estate intended for the common use of a group of persons all of whom have an undivided common interest in the real estate.

COMMON AREA (CONDOMINIUM): The separate interest in a condominium.

COMMON AREA, LIMITED: A common area within a condominium ownership that is restricted in use to include only a part of the group of persons who have a common interest in a condominium project.

COMMON, INTEREST IN: Every interest created in favor of several persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes or unless declared in its creation to be a joint interest or unless acquired as community property.

COMMON WALL: A wall located upon or at the division line between adjoining premises and use, intended to be used or available to be used by both owners of such premises in the construction or maintenance of improvements on their respective properties.

COMPREHENSIVE PLAN: The overall guiding document for all development within the legal jurisdiction of the city.

CONCESSION: A building or structure having less than three hundred (300) square feet of area that is used for the sale of food, beverages and/or souvenirs.

CONDOMINIUM OWNERSHIP: An estate consisting of: a) an undivided interest in common in real property in an interest or interests in real property or in any combination thereof, together with b) a separate interest in real property, in an interest or interests in real property, or any combination thereof.

CONDOMINIUM PLAT: The drawing of a division of real property into individual interests in common together with a separate interest in the real property for the purpose of establishing condominium ownership together with the declaration that is filed according to law with the county recorder. (Ord. 2012, 7-6-1981)

COTTAGE BUSINESS: A small, individually owned business or concern that functions without altering the residential character of the neighborhood and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners. (Ord. 2657, 6-19-2000)

COUNCIL: The city of Twin Falls city council.

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

COVENANT: A written promise or pledge. (Ord. 2012, 7-6-1981)

CULTURAL ACTIVITIES: Activities, programs, displays or performances, presented for the enjoyment, education or other benefit of the general public, involving art, music, literature, live theater, craft shows, history or humanities. (Ord. 2851, 3-6-2006)

DAYCARE SERVICE: Services offered by persons who are paid to supervise or care for six (6) or more persons including the resident children, but excluding those businesses or religious institutions which provide incidental daycare service for patrons or attendees while parents are on the premises. (Ord. 2850, 2-21-2006)

DEDICATION: The setting apart of land or interest in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the local governing authority. (Ord. 2012, 7-6-1981)

DETENTION FACILITY: Those methods or devices that temporarily collect and hold the stormwater runoff and release the water at a metered rate over time. (Ord. 2481, 5-1-1995)

DEVELOPED: A developed property is a property for which a certificate of occupancy has been issued to occupy a building on the property. (Ord. 2957, 12-8-2008)

DEVELOPER: The owner, or his legally authorized agent, of lands that are being platted or mapped. (Ord. 2012, 7-6-1981)

DEVELOPMENT: Lands within the boundaries of an area that is platted or mapped in accordance with this title that are intended to be improved by the construction or addition of buildings or other structures; by mining, dredging, filling, grading, paving, excavation or drilling. (Ord. 2045, 7-6-1982)

DORMITORY: A rooming house or residence hall occupied by students.

DRIVE-IN ESTABLISHMENT: A commercial establishment, excluding gasoline service stations, in which business is conducted while the customers are vehicle occupants. (Ord. 2012, 7-6-1981)

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including manufactured homes, but not including hotels, boarding and lodging houses, trailers, camp cars or trailer houses. (Ord. 2110, 7-16-1984)

DWELLING, MULTIPLE: A building or portion thereof, designed for three (3) or more households living independently of each other and including apartment hotels.

DWELLING, ONE HOUSEHOLD: A detached building containing one dwelling unit.

DWELLING, TWO HOUSEHOLD: A building designed exclusively for occupancy for two (2) households living independently of each other including duplexes, semidetached houses and separately owned shared wall dwellings.

DWELLING UNIT: Space within the dwelling designed to accommodate all normal cooking, sleeping and sanitation needs of the residents.

EASEMENT: A right of use for a stated purpose, falling short of ownership, granted by a property owner to the public or to another person and restricting the property owner's use of the property by prohibiting the construction of any permanent building or structure over the easement and by prohibiting any other stated restriction of use.

ENGINEER: A professional engineer registered in the state of Idaho.

EQUESTRIANWAY: A public way designed to be used for horseback riding. (Ord. 2012, 7-6-1981)

FACADE MOUNTED: Directly attached or affixed to the elevation of a building, tank, or other structure. (Ord. 2678, 1-16-2001)

FARM: An area twenty (20) acres or more in the area of impact which is being used for the purpose of producing food, fiber, seed stock, fodder or oil producing crops. (Ord. 2012, 7-6-1981)

FEEDLOTS AND DAIRIES: A parcel or parcels of land under the same ownership or management with more than five (5) animals per acre or a total of fifty (50) animals, whichever is less. (Ord. 2275, 7-17-1989)

FINISH FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "finish floor".

FLOOD INSURANCE RATE MAP: The official map on which the federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood. (Ord. 2012, 7-6-1981)

FLOOD OR FLOODWATERS: A temporary overflow of water on lands not normally covered by water. (Ord. 2045, 7-6-1982)

FLOODPLAIN: The relatively flat areas or lowlands adjoining the channel of a watercourse, or areas where drainage is or may be restricted by manmade structures which have been or may be covered partially or wholly by floodwater, but shall compose an area not less than that area confined by the 50-year flood and shall not exceed that area confined by the 100-year flood. (Ord. 2012, 7-6-1981)

FLOODPLAIN REGULATIONS: The codes, ordinances and other regulations relating to the use of land and construction within the channel and floodplain areas, including zoning ordinances, subdivision regulations, building codes, housing

codes, setback requirements, open area regulations and similar methods of control affecting the use and development of the areas.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). (Ord. 2045, 7-6-1982)

FREESTANDING TOWER: A tower not physically attached to a building or structure. A tower is attached to the ground by a foundation. (Ord. 2678, 1-16-2001)

FRONT: The front of a building shall be the wall so designated by the building official which best conforms to the intent of this title. The front property line shall be the lot line most nearly parallel to the front of a building. In designating the front of a building, the building official shall base his decision on the location of the door which provides the principal access into the building and/or the location of the trafficway which provides the principal access to the property. The decision of the building official may be appealed to the city council for interpretation of the intent of this title and final determination of the designated front.

FRONTAGE, ENTIRE: All the property fronting on one side of a street between intersecting streets, or between a street and right of way, waterway, end of dead end street or city boundary, measured along the street line. An intersecting street shall determine only the boundary of the frontage on the side of the street which it intersects.

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

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

GARAGE, PRIVATE: A building or a portion of a building in which only motor vehicles used by the tenants of the building on the premises are stored or kept.

GOVERNING AUTHORITY: The city council of the city of Twin Falls, Idaho. (Ord. 2110, 7-16-1984)

GOVERNMENT OPEN STORAGE YARD: Storage of vehicles, equipment, and materials accessory to the operation of an owned or leased governmental facility. (Ord. 3088, 2-2-2015)

GOVERNMENTAL FACILITIES: Facilities operated or occupied by a governmental agency for the benefit of the general population. (Ord. 2379, 6-15-1992)

H-1 AND H-7(2) FACILITIES: Facilities for storage, handling, use or sale of hazardous and highly flammable or explosive materials other than flammable liquids as defined by the edition of the building code most recently adopted by the city council. (Ord. 2620, 8-2-1999)

HEIGHT: The vertical distance measured from the highest point of the top of the curb or future curb adjacent to the subject property. (Ord. 2124, 10-15-1984)

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

HILLSIDE SUBDIVISION: Any subdivision or portion thereof having an average slope of ten percent (10%) or more.

HISTORIC SITES: Sites established by the city, county, state or federal government as historic monuments that should be preserved. (Ord. 2110, 7-16-1984)

HOME OCCUPATION: A service, excluding daycare, offered by the resident of a household unit or the sale of items handcrafted on the premises by the resident of a household unit providing the service, sale or handcrafting is performed only by the resident therein and providing the area used in performing the home occupation does not exceed four hundred (400) square feet in area and providing there is no exterior indication of the home occupation. Services which generate no traffic to the premises or which use no vehicles which would not normally be found incidental to a residential use shall be exempt from this definition. In the C1, M1 and M2 zones, only existing on site residences may be used for home occupations. (Ord. 2741, 11-4-2002)

HORTICULTURAL SERVICES: Services which support horticultural activities such as quality control laboratories and soil and chemistry testing. (Ord. 2550, 6-2-1997)

HOSPITAL: An institution providing health services, primarily for inpatient and medical or surgical care of sick or injured, including outpatient departments, training facilities, central service facilities and staff offices. Hospitals are assumed to be for humans unless otherwise indicated.

HOTEL: Any building containing six (6) or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Ord. 2110, 7-16-1984; amd. Ord. 2227, 12-21-1987)

HOUSEHOLD: An individual or two (2) or more individuals related by blood, marriage, legal adoption or guardianship, together with any servants, not to exceed ten (10) persons, or a group of four (4) or less persons who are unrelated and

reside together for more than thirty (30) days. (Ord. 2710, 12-3-2001)

HOUSEHOLD BUILDING: A single building containing one or more household units.

HOUSEHOLD UNIT: A room or group of rooms within a building containing cooking and bathroom facilities intended for use and occupancy by one family.

ILLUMINATED SIGN: A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

IMPROVEMENT: Any alteration to the land or other physical constructions associated with subdivision and building site developments. (Ord. 2110, 7-16-1984; amd. Ord. 2227, 12-21-1987)

IN HOME DAYCARE SERVICE: Daycare service in a home in which the provider lives full time and is the main on site caregiver of the service. (Ord. 2850, 2-21-2006)

INDOOR RECREATIONAL FACILITY: A building in which recreational activities such as ice or roller skating, bowling, dancing, card games, swimming, tennis, video games, billiards, bingo and other similar activities take place. (Ord. 2550, 6-2-1997)

LARGE SCALE DEVELOPMENT: A subdivision which consists of sixty (60) or more lots or dwelling units or which contains forty (40) acres or more. (Ord. 2140, 3-18-1985)

LATTICE TOWER: A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section. Roof mounted towers not exceeding two feet (2') in width in any cross section and not exceeding fifty feet (50') in height shall not be considered lattice towers. (Ord. 2700, 7-16-2001)

LESSEE: A person holding a legally enforceable lease.

LINE, BUILDING: One of four (4) perpendicular lines established by the building official for the purpose of measuring setbacks. The lines shall be established parallel to the predominate building walls and shall pass through the most exterior point on the building walls, excluding architectural features not intended for occupancy.

LINE, PROPERTY: The legal boundary of a parcel of real property.

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

LOT: Unless otherwise defined, a parcel of land with sufficient size to meet the minimum requirements of this title for use, dimensional standards and off street parking and which is owned by a single person with a separate interest or a group of persons with a separate interest together with an interest in common in the real property.

LOT AREA: The total area of a lot measured on a horizontal plane within the boundary lines exclusive of public and private roads, and easements of access to other property.

LOT, CONDOMINIUM: For the purposes of a condominium, a lot shall be the farthest exterior boundary of the real property upon which the project is situated.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets.

LOT, DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT, PLATTED: A lot or individual parcel shown on a plat.

LOT, REVERSED CORNER: A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

MAINTENANCE EASEMENT: An easement granted for the purpose of providing access for repair and maintenance of the appurtenant property in zero lot line subdivisions.

MANAGEMENT BODY: A person or group of persons created in accordance with this title to manage a development and maintain all common areas.

MANAGEMENT BODY (CONDOMINIUM): Any person or persons managing a project, and includes the condominium owners acting themselves, a corporation or association of which the owners are members or stockholders, a body of governors or directors elected by the owners, or a management agent selected by the owners, corporation or association, or by the board, or named in the declaration. (Ord. 2110, 7-16-1984)

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

- (A) Shall be at least twenty four feet (24') wide, with a minimum floor area of nine hundred sixty (960) square feet.

(B) Shall have a nonmetallic, wood shake or asphalt shingle roof with a minimum slope of three to twelve (3/12) and a minimum six inch (6") eave.

(C) Shall have horizontal aluminum, simulated wood or wood siding.

(D) Shall have a foundation fascia that is similar in appearance and durability to the masonry foundation of site built dwellings and which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.

(E) Shall be permanently affixed and set upon a foundation base having an anchoring system that is totally concealed under the structure. The running gear and towing hitch shall be removed.

(F) Shall obtain a building permit from the city building department to ensure that the manufactured home is placed on site to HUD standards set forth in circular letter 2-83, dated April 8, 1983, published by the Boise service office of HUD regulating the perimeter foundation, the anchoring of the structure to its foundation and other building requirements. (Ord. 2526, 5-20-1996)

MANUFACTURING USE: The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery, but excluding home occupations, activities creating products in which the process does not yield any vapor, liquid or solid waste materials, and crafts made in conjunction with retail business which may include, but not be limited to, ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

MARQUEE: A permanent roofed structure supported by the main building and projecting over a public way. (Ord. 2012, 7-6-1981)

MASTER DEVELOPMENT PLAN: A plan showing a carrier's expected network of wireless communication facilities within the city and its area of impact. (Ord. 2678, 1-16-2001)

MOBILE HOME: A structure of over four hundred (400) square feet in interior area that is transportable in one or more sections, built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; not to include recreational vehicles or travel trailers. (Ord. 2045, 7-6-1982)

MOBILE HOME PARK: Any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating two (2) or more mobile homes for dwelling purposes. (Ord. 2347, 9-3-1991)

MOBILE HOME, TEMPORARY: A nonself-propelled vehicle of less than four hundred (400) square feet interior area designed, constructed or intended for temporary residential use.

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

MULTIPLE OCCUPANCY BUILDING: A building containing more than two (2) businesses or households. (Ord. 2012, 7-6-1981)

NONCONFORMING BUILDING: A building or structure not conforming to the provisions of this title but which was lawfully existing or under construction at the time of the adoption of this title.

NONCONFORMING USE: A use not conforming to the provisions of this title but which was lawfully existing at the time of adoption of this title. (Ord. 2140, 3-18-1985)

NONRESIDENTIAL USE: Any structure, activity, or use not included in the definition of "residential use" contained in this section. A home builder model home, temporary sales trailer, and an apartment leasing office are included in this definition. (Ord. 2957, 12-8-2008)

OFF PREMISES SIGN: A sign mounted on property other than that occupied by the use being advertised by said sign. This definition shall exclude signs located within an approved ZDA advertising a nonresidential use or nonresidential uses located within that ZDA and approved as part of a master sign plan through the ZDA process. (Ord. 3082, 12-8-2014)

ON PREMISES SIGN: A sign mounted on property that is occupied by the use being advertised by said sign. (Ord. 2957, 12-8-2008)

100-YEAR FLOOD: The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year). (Ord. 2045, 7-6-1982)

OPEN SPACE: An area retaining a natural ground cover free of any buildings, structures, streets or parking areas.

ORIGINAL PARCEL OF LAND: A lot or tract as recorded on any plat or record on file in the office of the county recorder, or an unplatted contiguous parcel of land held in one ownership and of record at the effective date hereof. In cases of "unrecorded matters of fact", the commission shall use its best judgment to determine a fair designation.

ORPHANAGE: A rooming house or residence hall occupied by orphaned children.

OWNER: Any person or group of persons having legal title to real property which is subject to this title.

PARKING SPACE, AUTOMOBILE: An enclosed or unenclosed surfaced area of not less than twenty feet by nine feet (20' x 9') in size, together with access and maneuvering space sufficient to permit a standard automobile to be parked within the surfaced area, permanently reserved for the temporary parking or storage of one automobile. The total space shall be not

less than two hundred seventy (270) square feet.

PATIO, COVERED: See definition of Carport, Attached.

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

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the city clerk which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PERMANENT: Not less than six (6) months.

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

PICK UP SHELTER: A structure used only by persons waiting for public transportation.

PLAT: The drawings, certifications, descriptions and approvals of a division or proposed division of real property into two (2) or more lots, blocks, parcels, sites, plots, units, common areas, limited common areas or other descriptive designations of real property for the purpose of offering for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions to any person having a separate interest or an individual interest in common together with a separate interest in any or all of the real property. All as set forth by Idaho Code.

PORCH: A covered entrance to a building. (Ord. 2012, 7-6-1981)

PREMISES: A parcel of land or contiguous parcels of land with their appurtenances and buildings which are under one ownership or control. (Ord. 2124, 10-15-1984)

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

PRIVATE WAY: Any right of way or easement dedicated or platted across real property owned by the person dedicating or platting the private way and intended for the general or special use of a person or persons rather than the general public. (Ord. 2012, 7-6-1981)

PROFESSIONAL SERVICES: Services offered by persons engaged in the legal, engineering, architectural, design, planning, accounting, banking, auditing, and related professions. (Ord. 2550, 6-2-1997)

PROHIBITED SIGN: Any sign listed in section 10-9-10 of this title, signs that do not comply with this or other applicable ordinances, and signs that are otherwise prohibited. (Ord. 2957, 12-8-2008)

PROJECT: A development.

PROJECT (CONDOMINIUM): The entirety of the property divided or to be divided into condominiums.

PROPERTY (CONDOMINIUM): The land described in the declaration recorded, together with any building, improvement or structure thereon, and every easement or right appurtenant thereto, and all personal property intended for use in connection therewith or for the use, benefit or enjoyment of the condominium owners.

PUBLIC: Owned by federal, state or local government or subdivisions thereof. (Ord. 2012, 7-6-1981)

PUBLIC VIEW: A view from any public or city right of way or access easement. (Ord. 2957, 12-8-2008)

PUBLIC WAY: Any right of way or easement dedicated or platted across real property owned by the person dedicating or platting the public way and intended for the general or special use of the public; or any right of way or easement legally obtained by the city through the use thereof providing such public way has not been vacated by the city council.

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

REAR: The rear of a building and rear property line shall be the wall and lot line most nearly parallel to the front wall and lot line. (Ord. 2012, 7-6-1981)

RECREATIONAL VEHICLE AND CAMPING PARK: Any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating recreational vehicles, travel trailers or tents for dwelling purposes for a period not to exceed six (6) months. (Ord. 2550, 6-2-1997)

RELIGIOUS FACILITIES: A building intended for the worship of a God and its related facilities such as meeting halls, a household unit for persons employed in the building, and schools for religious teachings.

RELIGIOUS QUARTERS: A rooming house or residence hall occupied by persons employed by a single religious organization.

REPRODUCIBLE DRAWING: A permanent drawing prepared in black india ink or an archival photographic image process conforming to the standards established by the American National Standards Institute on a polyester material four-thousandths of an inch (0.004") thick with a matte finish.

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

RESIDENCE HALL: A building without cooking facilities where one or more rooms without cooking facilities are occupied by separate households for more than thirty (30) days without board.

RESIDENTIAL HOTEL: A residence hall or rooming house having one or more rooms occupied by separate households where more than seventy five percent (75%) of the households reside for more than thirty (30) days. (Ord. 2012, 7-6-1981)

RESIDENTIAL USE: Any detached single-family, attached single-family, duplex, townhome, condominium, multi-family, agricultural, or other structure, activity, or use occupied or operated primarily to provide the cooking, sleeping, and sanitary needs of an individual or family. (Ord. 2957, 12-8-2008)

RETENTION FACILITY: Those methods or devices that collect and hold the stormwater runoff for dissipation through infiltration and/or evaporation. (Ord. 2481, 5-1-1995)

RETIREMENT HOME: A rooming house or residence hall occupied by retired persons.

RIGHT OF WAY: A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks and other public utilities or service areas.

ROOF PROJECTIONS: Chimneys, smokestacks, church spires, flagpoles, radio and television antennas or towers, masts, cooling towers, elevator shafts and other similar projections.

ROOMING HOUSE: A building with common cooking facilities having one or more rooms without cooking facilities occupied by separate households for more than thirty (30) days with or without board.

SANATORIUM: A private hospital, whether or not such facility is operated for profit.

SCHOOL: Any place primarily used for teaching.

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

SERVICE ROAD: A dedicated minor way which is used for vehicular access to back or side of residential property otherwise abutting on a street.

SERVICE STATION: A building or portion thereof and land used for supplying fuel, oil and minor accessories for motor vehicles at retail direct to the customer and for making minor emergency repairs. (Ord. 2012, 7-6-1981)

SETBACK: The distance from a property line, centerline, canyon rim, right of way, or structure within which a building is prohibited. (Ord. 2620, 8-2-1999)

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

SIDE: The side of a building and side property line shall be the wall and lot line most nearly perpendicular to the front wall and lot line. (Ord. 2012, 7-6-1981)

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. This definition includes the signs defined herein. (Ord. 2957, 12-8-2008)

SPECIAL USE PERMIT: A permit granted by the commission for a permanent use that is otherwise prohibited but may be allowed under specific provisions when not in conflict with a comprehensive plan.

SPORT SHOOTING RANGE: Shooting range as defined by Idaho State Statute 55-2604, or as amended, an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or other similar sport shooting.

SPORTING VEHICLES: Travel and tent trailers not over eight feet (8') wide or thirty two feet (32') long and capable of being towed with safety behind a passenger vehicle, campers designed to be mounted on a pickup truck, boats and accessories, recreational type snow machines required to be licensed under the laws of the state of Idaho and having a maximum seating capacity for three (3) persons and motorcycles and related items designed to be used off the highway system.

STANDARD SPECIFICATIONS: The specifications as specified in this title or as officially adopted by the city council.

STATE: State of Idaho. (Ord. 2012, 7-6-1981)

STORMWATER: Stormwater runoff, snowmelt, and surface runoff and drainage. (Ord. 2481, 5-1-1995)

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

(A) **Alley:** A minor street providing secondary access at the back of a property otherwise abutting a street.

(B) Local: A street which has the primary purpose of providing access to abutting properties.

(C) Collector: A street designated for the purpose of carrying traffic from local streets to other collector streets and/or arterial streets.

(D) Arterial: A street designated for the purpose of carrying fast and/or heavy traffic.

(E) Loop: A local street with both terminal points on the same street of origin.

(F) Cul-De-Sac: A street connected to another street at one end only as provided with a turnaround space at its terminus.

(G) Frontage: A local street parallel to and adjacent to an arterial street to provide access to abutting properties.

(H) Partial: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

(I) Stub Street: A street which terminates without provisions for a turnaround area.

(J) Half Street: A street comprised of one-half ($\frac{1}{2}$) of the width required to conform with a standard city street section.

(K) Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

STREET GRADE: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STRUCTURAL ALTERATIONS: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders. (Ord. 2012, 7-6-1981)

STRUCTURES: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards, but exclude utility poles and streetlights. (Ord. 2999, 1-24-2011)

SUBDISTRICTS, BASIC AND SECONDARY: A zoning designation that provides flexibility for the development of a homogeneous unit without compromising the health, safety or general welfare of the community.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient property rights in the property to represent the owner. (Ord. 2012, 7-6-1981)

SUBDIVISION: The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which shall also include the dedication of public streets and other rights of way and the addition to, or creation of, a cemetery. However, this title shall not apply to any of the following:

(A) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat;

(B) The unwilling sale of land as a result of legal "condemnation" as defined and allowed in the Idaho Code¹;

(C) Widening of existing streets to conform to a comprehensive plan;

(D) The acquisition of a street right of way by a public agency in conformance with a comprehensive plan; and

(E) The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage. (Ord. 2901, 4-16-2007)

SURVEYOR: A land surveyor or professional engineer registered in the state of Idaho. (Ord. 2012, 7-6-1981)

THEATER, OUTDOOR: An open developed lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures, theatrical or musical productions/concerts, on a paid admission basis, to patrons seated in automobiles or on outdoor seats or on the ground. (Ord. 2016-5, 3-7-2016)

TOTAL STRUCTURE (CONDOMINIUM): The structure within which is contained all of the units of the condominium.

TOURIST COURT: A group of attached or detached buildings containing individual sleeping or living units designed for, or used temporarily by, automobile tourists or transients, with parking spaces conveniently located to each unit and including auto courts, motels or motor lodges.

TOWNHOUSE: A single-family dwelling with party walls and no side yards between abutting dwellings.

TRAFFICWAY: A public way or a private way whose primary use is for movement of motorized vehicles.

TRAILER, CAMP CAR OR TRAILER HOUSE: Any unit used for living or for sleeping purposes which is equipped with wheels or similar device used for the purpose of transporting said unit from place to place, whether by motor power or other means, and such vehicles that are used as aforesaid that have had the wheels or equipment removed.

TRANSIENT LODGING: A rooming house or residence hall having one or more rooms occupied by separate families where

less than seventy five percent (75%) of the families reside for more than thirty (30) days. (Ord. 2012, 7-6-1981)

UNATTENDED VEHICLE: A vehicle parked for more than twenty four (24) hours in one location. (Ord. 2045, 7-6-1982)

UNDEVELOPED: An undeveloped property is a property for which a certificate of occupancy has not been issued to occupy a building on the property. (Ord. 2957, 12-8-2008)

UNIT: A separate interest in real property in a condominium or townhouse ownership.

UNPLATTED AREA: Any area that has not been subdivided according to law.

USE: An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased. (Ord. 2012, 7-6-1981)

UTILITY POLE: A telephone, power, light, cable television, or flag pole. Light poles shall include street, stadium and security light poles. (Ord. 2678, 1-16-2001)

VARIANCE: A modification of the requirements of this title. (Ord. 2012, 7-6-1981)

VEHICLE: Any device in, upon, or by which any person or personal property is or may be transported. (Ord. 2957, 12-8-2008)

VICINITY MAP: A drawing which sets forth by dimensions or other descriptive means the relationship of a proposed development to other nearby developments, trafficways or other landmarks within the general area in order to better locate and orient the area in question.

WALL: The full width or length of a building, including recessed windows or doors. (Ord. 2012, 7-6-1981)

WIRELESS COMMUNICATIONS FACILITY: A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, and other facilities. (Ord. 2773, 12-15-2003)

YARD: An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. (Ord. 2012, 7-6-1981)

YARD, FRONT: A yard extending between side lot lines across the front of a lot and from the front lot line to the nearest part of a building, excluding architectural projections. Any street frontage is considered a front yard. (Ord. 2620, 8-2-1999)

YARD, REAR: A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building, excluding architectural projections.

YARD, SIDE: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards, excluding architectural projections.

ZERO LOT LINE: A line created by the placement of a building line upon a side lot line or the creation of a side lot line which bisects a common wall. (Ord. 2012, 7-6-1981)

ZIP LINE: An aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to traverse terrain by means of cable and trolley. (Ord. 2997, 12-13-2010)

ZONING DEVELOPMENT AGREEMENT: A written commitment by a property owner or developer concerning the use or development of a subject parcel. A zoning development agreement may be required as a condition of rezoning and/or development of a subject parcel when a property is located adjacent to major arterial or collector streets and/or where a variety of uses may be desired in a preplanned environment with more flexible standards than normally apply to the use of land in a standard zoning district. (Ord. 3082, 12-8-2014; amd. Ord. 2021-010, 5-3-202)

Notes

1. See section 10-17-1 of this title.
2. See section 10-17-2 of this title.
1. IC § 7-701 et seq.

CHAPTER 3

ZONING DISTRICTS, MAP

SECTION:

10-3-1: Zoning District Designation

10-3-2: Zoning District Map

10-3-3: Conformance With Zoning Districts

10-3-4: Nonconforming Uses Or Buildings

10-3-1: ZONING DISTRICT DESIGNATION:

For the purpose of promoting health, safety, morals and general welfare of the community there is hereby established the following zoning districts for the city:

Zoning Districts	Short Title	Section
Agricultural	AG	10-4-1
Suburban-urban interface	SUI	10-4-2
Residential single household	R1-VAR	10-4-3
Residential single household or duplex	R2	10-4-4
Residential medium density	R4	10-4-5
Residential multi-household	R6	10-4-6
Commercial central business	CB	10-4-7
Commercial highway	C1	10-4-8
Manufacturing, light	M1	10-4-9
Manufacturing, heavy	M2	10-4-10
Open space	OS	10-4-11
Airport	AP	10-4-12
Old Town	OT	10-4-13
Commercial mixed use	CM	10-4-14
Residential mixed use	RM	10-4-15
College Of Southern Idaho	CSI	10-4-16
Residential business	RB	10-4-23

Overlay Districts	Short Title	Section
Mobile home overlay-one	MHO-1	10-4-17
Professional office overlay	PRO	10-4-18
Canyon Rims overlay	CRO	10-4-19
Wellhead protection overlay	WPO	10-4-20
Neighborhood commercial overlay	NCO	10-4-21
Warehouse historic overlay	WHO	10-4-22

(Ord. 2526, 5-20-1996; amd. Ord. 2608, 5-3-1999; Ord. 2796, 6-14-2004; Ord. 2998, 1-3-2011)

10-3-2: ZONING DISTRICT MAP:

That certain document entitled the "revised zoning map", and designated "master copy", as the same is hereto attached and incorporated herein as if the same were set out in full, be and is hereby approved and adopted and set out in full, and the same shall be and does constitute the official zoning map for the city. (Ord. 2017, 7-6-1981)

10-3-3: CONFORMANCE WITH ZONING DISTRICTS:

(A) Any land located within a zoning district designated on the "official zoning map" shall only be used or occupied and any building, structure or improvement thereon shall only be used, occupied, placed, replaced, erected, reerected, constructed, reconstructed, altered, extended, enlarged, modified, removed or moved as this title permits for the zoning district in which the same is located.

(B) No use, dimensional requirement, sign, off street parking area or improvement existing on or after the effective date

hereof shall be reduced or altered below the minimum requirements of this title except as provided herein. (Ord. 2012, 7-6-1981)

10-3-4: NONCONFORMING USES OR BUILDINGS:

A building or use made nonconforming but which was lawfully existing or under construction at the time of adoption hereof may continue to be used or occupied, subject to the provisions of this section. The requirements of this section may be waived for residences and residential uses by motion and minute entry of the city council.

(A) Discontinuance Of Nonconforming Uses And Buildings:

1. Uses: For any of the following reasons, a nonconforming use shall be discontinued and further use of the property shall conform to the provisions of this title:

- a. When a nonconforming use involving a building is discontinued from use for a period of one year.
- b. When a nonconforming use not involving a building is discontinued from use for a period of six (6) months.
- c. When a nonconforming use is replaced by a nonpermitted use, constituting a change of use, in which case both the initial and subsequent use shall be discontinued. The initial nonconforming use may not be reinstated.
- d. When a nonconforming use involving a building or structure having an appraised value less than two thousand dollars (\$2,000.00) or involving no building or structure is still in existence two (2) years after the effective date hereof. (Ord. 2550, 6-2-1997)
- e. Notwithstanding the foregoing, a legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the general standards applicable to special uses, the applicant must show that the existing building cannot reasonably be converted to a conforming use. (Ord. 2555, 7-21-1997)

2. Buildings: A nonconforming building shall be discontinued and removed or brought into conformance with the provisions of this title within two (2) years after the effective date hereof if the building or structure has an appraised value less than two thousand dollars (\$2,000.00) or if the modification to bring it into conformance with the provisions of this title will cost less than five hundred dollars (\$500.00). (Ord. 2550, 6-2-1997)

(B) Replacement Of Nonconforming Building: A nonconforming building or conforming building housing a nonconforming use damaged by fire, collapse, explosion or act of God, subsequent to the effective date hereof, may be replaced or repaired providing: 1) the new building does not have a nonconforming feature that the original building did not have, 2) the new building does not exceed the size of the original building except as provided by subsection (D) of this section, 3) a nonconforming use is not expanded or changed, and 4) a building permit for the replacement or repair is issued within six (6) months of the date of the damage. The planning and zoning commission may approve requests for extensions within the original six (6) months. (Ord. 2275, 7-17-1989)

(C) Expansion Of Nonconforming Building Or Nonconforming Use: Except as provided hereafter:

1. No building or structural alteration, improvement or reconstruction shall be made which expands a nonconforming building or conforming building housing a nonconforming use beyond any part of the existing wall or roofline.
2. No additional buildings or structures may be constructed or relocated on the property to house the same or any other nonconforming use. Under no circumstances may the person or entity responsible for a nonconforming building or use expand such building or use by the acquisition of additional real property.
3. No person or entity may acquire additional real property to bring the nonconforming building or use into conformance with this title unless the use shall also conform to the requirements of this title. (Ord. 2012, 7-6-1981)

(D) Permits To Expand Nonconforming Buildings Or Conforming Buildings Housing A Nonconforming Use: The city planning and zoning commission may authorize the issuance of a nonconforming building expansion permit.

1. Application Requirements: The application for a nonconforming building expansion permit shall be filed with the zoning administrator and shall include and require, as a minimum:

- a. Name, address and phone number of applicant.
- b. Legal description of property.
- c. Description of the existing use.
- d. The reason the property, building or use is nonconforming to the requirements of this title.
- e. Existing zoning district.
- f. A narrative statement of the type of proposed expansion, including a descriptive statement of the intended expansion, the reason therefor and the cost thereof.
- g. Site development plans to scale showing building locations, landscaping, permanent existing trees, ground treatment, fences, off street parking and circulation, location and size of adjacent streets, north arrow and property lines, drawings of major exterior elevations, building materials, existing grade and proposed new grades.

h. A narrative statement evaluating the effects on adjoining property and a discussion on the general compatibility with the adjacent and other properties in the district.

i. A narrative statement evaluating the costs of a total relocation of the nonconforming building or use to an appropriately zoned site.

2. Review Of Application: The commission shall review the application against the following considerations:

a. Will the proposed expansion be harmonious with and in accordance with the general objectives of the comprehensive plan and/or zoning regulation?

b. Will the proposed expansion be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity?

c. Will the proposed expansion involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare of the surrounding neighborhood by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?

d. Will the proposed expansion have any other adverse impact upon the surrounding neighborhood?

e. Considerations relating to traffic safety and traffic congestion:

(1) The effect of the site development plan on traffic conditions on contiguous streets.

(2) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

(3) The arrangement and adequacy of off street parking facilities to prevent traffic congestion.

(4) The location, arrangement and dimensions of truck loading and unloading facilities.

(5) The circulation patterns within boundaries of the development.

(6) The surfacing and lighting of off street parking facilities.

f. Considerations relating to outdoor advertising and noise:

(1) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent developments.

(2) The nuisance effect of additional noise.

g. Considerations relating to landscaping:

(1) The location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent developments or to conceal storage areas, utility installation or other unsightly development.

(2) The planting of ground cover or surfacing to prevent dust and erosion.

(3) The unnecessary destruction of existing healthy trees.

(4) The restoration of natural vegetation.

(5) The aesthetic effects on motorists, bicyclists and pedestrians passing along public rights of way adjacent to or included with the development.

h. Considerations relating to buildings and site layout: The considerations of exterior design in relation to adjoining structures in height, bulk and area openings, breaks in the facades and facing on streets, line and pitch of roof and arrangement of structure on the parcel.

i. Considerations relating to drainage and utilities:

(1) The effect of the site development plan in relation to the adequacy of the storm and surface water drainage proposals.

(2) The use of city sewer and water.

(3) The underground placement of utilities. (Ord. 2161, 12-2-1985)

3. Hearing Process:

a. Prior to granting a nonconformance building expansion permit, at least one public hearing shall be held before the planning and zoning commission. At said hearings, all interested persons shall have the opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

4. Restrictions: The commission may impose special conditions designed to lessen the impact of the proposed expansion on the surrounding neighborhood and in order to make the proposed expansion more compatible with the same. Violation of such special conditions, when made a part of the terms under which the nonconforming building expansion permit is granted, shall be deemed a violation of this title.

5. Action By The Commission:

a. Within thirty (30) days after the public hearing, the commission shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the administrator to issue a nonconforming building expansion permit listing the specific conditions specified by the commission for approval.

b. Prior to granting a nonconforming building expansion permit, the commission may request studies from the planning staff or public agencies concerning social economic, fiscal and environmental effects of the proposed nonconforming building expansion permit. A nonconforming building expansion permit shall not be considered as establishing a binding precedent to grant other nonconforming building expansion permits.

c. Upon granting or denying an application, the commission shall specify:

(1) The regulations and standards used in evaluating the application.

(2) The reasons for approval or denial.

(3) The actions, if any, that the applicant could take to obtain a permit.

d. The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided a written appeal is submitted to the council within fifteen (15) days from the commission's action.

6. Notification To Applicant: Within ten (10) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request.

7. Transfer, Review And Discontinuance Of Permits: A nonconforming building expansion permit is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the nonconforming building expansion permit continue to be met.

Nonconforming building expansions which have not been completed within one year of the date of issuance of the nonconforming building expansion permit may be reviewed by the commission to determine if the facts and circumstances have changed. The commission may call for a new nonconforming building expansion permit application.

8. Appeal To The 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 the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. (Ord. 2161, 12-2-1985)

CHAPTER 4

ZONING DISTRICT REGULATIONS

SECTION:

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10-4-23.2: Use Regulations

10-4-23.3: Property Development Standards

10-4-1: AG, AGRICULTURAL DISTRICT:

10-4-1.1: PURPOSE:

This district is intended to preserve the rural integrity of areas adjacent to the City. (Ord. 2796, 6-14-2004)

10-4-1.2: USE REGULATIONS:

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

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
 - d. Agritourism activities located more than three hundred feet (300') from residentially zoned property or residential uses
2. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Cultural facilities:
 - a. Historic sites and monuments.
4. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
5. Residential:
 - a. Accessory buildings (less than 1,500 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - detached single household. (Ord. 2526, 5-20-1996; amd. Ord. 2773, 12-15-2003; Ord. 2018-007, 8-20-2018)

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

Special use permits may be granted for the following uses:

1. Agricultural:
 - a. Farms - fish.
 - b. Agritourism activities located within three hundred feet (300') of any residentially zoned property or residential uses, or any agritourism activity involving outdoor amplified sound or music.
2. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
3. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Zoos.
4. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
5. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
6. Public assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - public.
7. Residential:
 - a. Detached accessory buildings (more than 1,500 square feet) i.e., garages and other accessory buildings.
 - b. Home occupations.
 - c. Bed and breakfast facilities.
8. Services:
 - a. In home daycare services.
9. Sports facilities:
 - a. Athletic areas.
 - b. Equestrian facilities and/or riding stables.
 - c. Golf courses and country clubs.
 - d. Golf driving ranges.
 - e. Miniature golf courses.
 - f. Outdoor, public and commercial ice and roller skating facilities.
 - g. Outdoor, public and commercial swimming pools.
 - h. Outdoor, public and commercial tennis courts.
10. Transportation:
 - a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006; Ord. 2018-007, 8-20-2018)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-1.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the AG District: (Ord. 2796, 6-14-2004)

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling and per farm shall be twenty (20) acres.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height except those used for the storage of farm produce. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential/nonagricultural uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply to the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed

within public rights-of-way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

10-4-2: SUI, SUBURBAN-URBAN INTERFACE DISTRICT:

10-4-2.1: PURPOSE:

This district is intended to provide a transition district from agricultural land uses to residential land uses in the area of impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when City water and sewer services become available. (Ord. 2796, 6-14-2004)

10-4-2.2: USE REGULATIONS:

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

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
 - d. Agritourism activities located more than three hundred feet (300') from residentially zoned property or residential uses.
2. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
4. Residential:
 - a. Accessory buildings (less than 1,500 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - detached single household. (Ord. 2526, 5-20-1996; amd. Ord. 2773, 12-15-2003; Ord. 2018-007, 8-20-2018)

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

1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Zoos.
3. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
4. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
5. Public assembly:
 - a. Auditoriums.

- b. Religious facilities.
- c. Schools - public.
- d. Wedding chapel and/or reception hall with three (3) acres or more.

6. Residential:

- a. Detached accessory buildings (more than 1,500 square feet) i.e., garages and other accessory buildings.
- b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- c. Home occupations.
- d. Residential ZDA, not to exceed SUI density.
- e. Bed and breakfast facilities.

7. Services:

- a. In home daycare services.

8. Sports facilities:

- a. Golf courses and country clubs.
- b. Outdoor, public and commercial ice and roller skating facilities.
- c. Outdoor, public and commercial swimming pools.
- d. Outdoor, public and commercial tennis courts.

9. Transportation:

- a. Bus facilities, including pick up shelters.

10. Agricultural:

a. Agritourism activities located within three hundred feet (300') of any residentially zoned property or residential uses, or any agritourism activity involving outdoor amplified sound or music. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2796, 6-14-2004; Ord. 2850, 2-21-2006; Ord. 3082, 12-8-2014; Ord. 2018-008, 4-2-2018; Ord. 2018-007, 8-20-2018)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-2.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the SUI District:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling shall be one acre, or as set forth in the "Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems" as adopted by the South Central District Board of Health, whichever is larger. (Ord. 2796, 6-14-2004)

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights-of-way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

10-4-3: R1-VAR, RESIDENTIAL SINGLE HOUSEHOLD DISTRICT:

10-4-3.1: PURPOSE:

This district is intended to promote and preserve residential development and to provide a low density residential environment to allow the present and future residents to live and play in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. The principal land use is single household dwellings and uses incidental or accessory thereto. Centralized water and sewer facilities are required. (Ord. 2526, 5-20-1996)

10-4-3.2: USE REGULATIONS:

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

1. Communications and utilities:

a. Underground and aboveground transmission lines.

b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Parks:

a. Open space.

b. Private parks and playgrounds without crowd attracting facilities.

c. Public parks and playgrounds without crowd attracting facilities.

3. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- c. Dwellings - detached single household. (Ord. 2526, 5-20-1996)

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

- 1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
- 3. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
- 4. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
- 5. Public assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - public.
- 6. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - b. Home occupations.
 - c. Bed and breakfast facilities.
- 7. Services:
 - a. In home daycare services.
- 8. Sports facilities:
 - a. Golf courses and country clubs.
 - b. Outdoor, public and commercial ice and roller skating facilities.
 - c. Outdoor, public and commercial swimming pools.
 - d. Outdoor, public and commercial tennis courts.
- 9. Transportation:
 - a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-3.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R1-VAR district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each dwelling, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of

this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof. (Ord. 2526, 5-20-1996)

(B) Lot Area:

1. The minimum lot area per household dwelling shall be eight thousand (8,000) square feet for lots fronting on arterial streets as defined in subsection 10-7-6(A) of this title. (Ord. 2798, 8-2-2004)

2. All other lots within a proposed subdivision shall have a minimum lot area of at least eighty five percent (85%) of the average lot size of platted or developed lots within one hundred fifty feet (150') of said lots. Notwithstanding the foregoing, no lot shall be required to be larger than eighteen thousand five hundred (18,500) square feet except where contiguous to an SUI or AG zoning district, in which case no lot shall be required to be larger than twenty thousand (20,000) square feet. In no case shall the lot area be less than eight thousand (8,000) square feet nor shall a lot be required to be larger than the largest contiguous lot. (Ord. 2526, 5-20-1996; amd. Ord. 2796, 6-14-2004)

3. A permitted use that conforms to all provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than fifty percent (50%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty five feet (25') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback. (Ord. 2620, 8-2-1999)

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code.

(Ord. 2550, 6-2-1997)

10-4-4: R2, RESIDENTIAL SINGLE HOUSEHOLD OR DUPLEX DISTRICT:

10-4-4.1: PURPOSE:

This district is intended to promote and preserve residential development and to provide a low density residential environment with a mix of both single household and duplex dwellings in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required. (Ord. 2526, 5-20-1996)

10-4-4.2: USE REGULATIONS:

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

1. Communications And Utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex. (Ord. 2526, 5-20-1996)

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

1. Communications And Utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
4. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
5. Public Assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - private academic.
 - d. Schools - public.
6. Residential:

- a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
- b. Home occupations.
- c. Bed and breakfast facilities.

7. Services:

- a. In home daycare services.

8. Sports Facilities:

- a. Golf courses and country clubs.
- b. Outdoor, public and commercial ice and roller skating facilities.
- c. Outdoor, public and commercial swimming pools.
- d. Outdoor, public and commercial tennis courts.

9. Transportation:

- a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-4.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R2 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area shall be six thousand (6,000) square feet for a single household dwelling and ten thousand (10,000) square feet for a duplex dwelling.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the other street frontages.

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling unit shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply to the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-5: R4, RESIDENTIAL MEDIUM DENSITY DISTRICT:

10-4-5.1: PURPOSE:

This district is intended to promote and preserve medium density residential development and to provide a residential environment to allow the present and future residents to live and play in an area with space for personal privacy, minimum vehicular traffic, and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required. (Ord. 2526, 5-20-1996)

10-4-5.2: USE REGULATIONS:

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

1. Communications and utilities:

a. Underground and aboveground transmission lines.

b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Parks:

a. Open space.

b. Private parks and playgrounds without crowd attracting facilities.

c. Public parks and playgrounds without crowd attracting facilities.

3. Residential:

a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.

b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.

c. Dwellings - detached single household.

d. Dwellings - duplex. (Ord. 2620, 8-2-1999)

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

1. Communications And Utilities:

a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural Facilities:

- a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
- a. Fire stations and police stations.
 - b. Water treatment plants.
4. Parks:
- a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
5. Public Assembly:
- a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - private academic.
 - d. Schools - public.
6. Residential:
- a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - b. Bed and breakfast facilities.
 - c. Dwellings - triplex and fourplex.
 - d. Home occupations.
7. Services:
- a. In home daycare services.
8. Sports Facilities:
- a. Golf courses and country clubs.
 - b. Golf driving ranges.
 - c. Outdoor, public and commercial ice and roller skating facilities.
 - d. Outdoor, public and commercial swimming pools.
 - e. Outdoor, public and commercial tennis courts.
9. Transportation:
- a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-5.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R4 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}$ ') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(G) Landscaping: All uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title. (Ord. 2620, 8-2-1999)

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-6: R6, RESIDENTIAL MULTI-HOUSEHOLD DISTRICT:

10-4-6.1: PURPOSE:

This district is intended to promote and preserve residential development and to provide a high density residential environment free from encroachment by major commercial and industrial activities with a proportional increase in amenities as density rises. Centralized water and sewer facilities are required. (Ord. 2526, 5-20-1996)

10-4-6.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be

erected, altered or enlarged only for the following uses:

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex.
 - e. Dwellings - multiple household (5 units or more).
 - f. Dwellings - triplex and fourplex. (Ord. 2526, 5-20-1996)

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

1. Communications And Utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Judicial facilities.
 - d. Water treatment plants.
4. Medical Facilities:
 - a. Ambulance service.
5. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
6. Public Assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - private academic.
 - d. Schools - public.
7. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.

- b. Bed and breakfast facilities.
- c. Home occupations.
- d. Nursing homes and rest homes.
- e. Residence halls, residence hotels, rooming houses.
- f. Shelter homes.

8. Services:

- a. In home daycare services.

9. Sports Facilities:

- a. Golf courses and country clubs.
- b. Outdoor, public and commercial ice and roller skating facilities.
- c. Outdoor, public and commercial swimming pools.
- d. Outdoor, public and commercial tennis courts.

10. Transportation:

- a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-6.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R6 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than five feet (5') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached

accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2¹/₂') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than fifteen feet (15') to the rear property line for residential uses and fifteen feet (15') for other uses.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.

c. On a corner lot, the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling unit shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-7: CB, COMMERCIAL CENTRAL BUSINESS DISTRICT:

10-4-7.1: PURPOSE:

This district is intended to provide for commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. (Ord. 2526, 5-20-1996)

10-4-7.2: USE REGULATIONS:

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

1. Communications and utilities:

a. Radio and television stations without transmission and receiving towers.

b. Telegraph centers and telegraph stations.

c. Telephone exchange stations.

d. Underground and aboveground transmission lines.

e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Cultural facilities:

a. Botanical gardens and arboretums.

b. Historic sites and monuments.

c. Libraries, museums and art galleries.

d. Planetariums and aquariums.

3. Governmental Facilities:

a. Fire stations and police stations.

b. Governmental office buildings.

c. Judicial facilities.

4. Medical Facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Ambulance service.
 - c. Doctors' offices.
 - d. Drug and alcohol treatment centers.
 - e. Hospitals and clinics.
 - f. Rehabilitation services.
5. Parks:
 - a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
6. Public Assembly:
 - a. Auditoriums.
 - b. Funeral chapels.
 - c. Schools - private, single purpose.
 - d. Schools - private vocational and/or academic.
 - e. Schools - public.
 - f. Theaters - indoor.
 - g. Wedding chapels and/or reception halls.
7. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Bed and breakfast facilities.
 - c. Dwellings - multiple household (5 units or more).
 - d. Home occupations.
 - e. Household units existing at the time this title was adopted.
 - f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - g. Household units in upper floors of commercial or professional buildings.
 - h. Motels and transient hotels.
 - i. Nursing homes and rest homes.
 - j. Residence halls, residence hotels, rooming houses.
8. Retail Trade:
 - a. Alcoholic beverages when consumed on premises where sold.
 - b. Apparel and accessories.
 - c. Automobile parts store.
 - d. Bakery.
 - e. Bookstore.
 - f. Craft shop, in conjunction with retail business.
 - g. Eating places.
 - h. Farm and garden supplies.
 - i. Florist shop.

- j. Food, drugs, etc.
- k. General merchandise.
- l. Hardware store.
- m. Hobby and toy store.
- n. Home furnishings and equipment.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry cleaning.
- r. Laundromats.
- s. Music store.
- t. Pawnshop.
- u. Pet shop.
- v. Sporting goods store.
- w. Taxidermy studio.

9. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- f. Construction trade offices.
- g. Consumer credit collection offices.
- h. Copy center - self-service.
- i. Daycare services.
- j. Duplicating and stenographic offices.
- k. Employment agencies.
- l. Finance and investment offices.
- m. Horticultural services.
- n. In home daycare services.
- o. Insurance and related business.
- p. Labor unions and organizations.
- q. Photography studios.
- r. Professional organizations.
- s. Professional services.
- t. Real estate and related business.
- u. Tourist information center.

10. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Taxicab office.
- c. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2635, 11-15-1999; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006)

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

1. Communications and utilities:

a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

a. Zoos.

3. Governmental facilities:

a. Jails, detention centers, work release centers.

b. Water treatment plants.

4. Manufacturing:

a. Handcrafted furniture.

5. Medical facilities:

a. Animal hospital - small animals.

b. Prosthetics - sales, service and construction.

6. Miscellaneous:

a. Any facility with drive-through service.

7. Parks:

a. Amusement parks.

b. Public parks and playgrounds with crowd attracting facilities.

8. Public assembly:

a. Exhibition halls.

b. Religious facilities.

c. Sports arena.

d. Theaters - outdoor.

9. Residential:

a. Dwellings - attached single household dwellings.

b. Dwellings - duplex.

c. Dwellings - triplex and fourplex.

d. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.

e. Shelter homes.

10. Retail trade:

a. Agricultural equipment sales and service.

b. Automobile and truck sales and/or rentals.

c. Car wash facilities.

d. Commercial greenhouses.

e. Equipment rental.

f. Fuel sales (bulk).

g. Gasoline service stations.

h. Lumber, plumbing and/or electrical supply stores.

i. Manufactured/mobile home sales and/or rentals.

j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

k. Sporting vehicles and motorcycles - sales and/or rentals.

l. Storage unit rentals.

m. Tire shops.

11. Services:

a. Appliance repair.

b. Automobile and truck service and/or repair.

c. Civic, social and fraternal organizations.

d. Dog grooming and/or kennels.

e. Furniture repair/upholstery.

f. Publishing and printing business.

g. Sporting vehicle and motorcycle service and/or repair.

h. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.

i. Testing laboratories.

j. Welfare and charitable facilities.

12. Sports facilities:

a. Athletic areas.

b. Golf courses and country clubs.

c. Golf driving ranges.

d. Indoor recreation facility.

e. Miniature golf courses.

f. Outdoor, public and commercial ice and roller skating facilities.

g. Outdoor, public and commercial swimming pools.

h. Outdoor, public and commercial tennis courts.

13. Transportation:

a. Freight transfer points.

b. Open parking lot or garage for automobiles.

c. Open parking lot or garage for trucks and buses.

d. Packing and crating.

e. Trucking facilities.

14. Wholesale:

a. Wholesale distribution and warehousing, excluding H-1 facilities. (Ord. 2620, 8-2-1999; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2865, 6-12-2006; Ord. 3033, 6-25-2012)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-7.3: PROPERTY DEVELOPMENT STANDARDS:

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

(A) Lot Area:

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

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Use: No requirement.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to five percent (5%) of the total parking area.

2. Household buildings five (5) units or more shall provide landscaping equal to ten percent (10%) of the lot area. (Ord. 2620, 8-2-1999)

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.

2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.

3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-8: C1, COMMERCIAL HIGHWAY DISTRICT:

10-4-8.1: PURPOSE:

This district is intended to provide for commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. This district is designed for application on major streets or portions thereof. (Ord. 2526, 5-20-1996)

10-4-8.2: USE REGULATIONS:

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

1. Communications and utilities:

a. Radio and television stations without transmission and receiving towers.

b. Telegraph centers and telegraph stations.

c. Telephone exchange stations.

d. Underground and aboveground transmission lines.

e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Cultural facilities:

a. Botanical gardens and arboretums.

b. Historic sites and monuments.

c. Libraries, museums and art galleries.

d. Planetariums and aquariums.

3. Governmental facilities:

- a. Fire stations and police stations.
- b. Governmental office buildings.
- c. Judicial facilities.
4. Manufacturing:
 - a. Business park ZDA only.
5. Medical Facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Ambulance service.
 - c. Doctors' offices.
 - d. Drug and alcohol treatment centers.
 - e. Hospitals and clinics.
 - f. Rehabilitation services.
6. Parks:
 - a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
 - e. Public parks and playgrounds with crowd attracting facilities.
7. Public assembly:
 - a. Auditoriums.
 - b. Funeral chapels.
 - c. Religious facilities.
 - d. Schools - private, single purpose.
 - e. Schools - private, vocational and/or academic.
 - f. Schools - public.
 - g. Theaters - indoor.
 - h. Wedding chapels and/or reception halls.
8. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Bed and breakfast facilities.
 - c. Dwellings - multiple household (5 units or more).
 - d. Home occupations.
 - e. Household units existing at the time this title was adopted.
 - f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - g. Household units in upper floor of commercial or professional buildings.
 - h. Nursing homes and rest homes.
 - i. Residence halls, residence hotels, rooming houses.
9. Retail trade:
 - a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.
 - b. Apparel and accessories.
 - c. Automobile parts store.

- d. Bakery.
- e. Bookstore.
- f. Commercial greenhouses.
- g. Craft shop, in conjunction with retail business.
- h. Eating places.
- i. Farm and garden supplies.
- j. Florist shop.
- k. Food, drugs, etc.
- l. General merchandise.
- m. Hardware store.
- n. Hobby and toy store.
- o. Home furnishings and equipment.
- p. Ice cream store.
- q. Import store.
- r. Laundering and dry cleaning.
- s. Laundromats.
- t. Lumber, plumbing and/or electrical supply stores.
- u. Music store.
- v. Pawnshop.
- w. Pet shop.
- x. Sporting goods store.
- y. Taxidermy studio.
- z. Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.

10. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- f. Civic, social and fraternal organizations.
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Copy center - self-service.
- j. Daycare services.
- k. Dog grooming and/or kennels.
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices.
- o. Horticultural services.
- p. In home daycare services.
- q. Insurance and related business.

- r. Labor unions and organizations.
 - s. Photography studios.
 - t. Professional organizations.
 - u. Professional services.
 - v. Real estate and related business.
 - w. Tourist information center.
 - x. Welfare and charitable facilities.
11. Sports facilities:
- a. Athletic areas.
 - b. Miniature golf courses.
 - c. Outdoor, public and commercial ice and roller skating facilities.
 - d. Outdoor, public and commercial swimming pools.
 - e. Outdoor, public and commercial tennis courts.
12. Transportation:
- a. Bus facilities, including pick up shelters.
 - b. Open parking lot or garage for automobiles.
 - c. Taxicab office.
 - d. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2958, 12-22-2008; Ord. 2999, 1-24-2011; Ord. 3082, 12-8-2014)

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

- 1. Communications and utilities:
 - a. Radio and television stations with wireless communications facilities.
 - b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') above ground.
- 2. Cultural facilities:
 - a. Cemeteries.
 - b. Zoos.
- 3. Government facilities:
 - a. Jails, detention centers, work release centers.
 - b. Water treatment plants.
 - c. Government open storage yard.
- 4. Manufacturing:
 - a. Handcrafted furniture.
- 5. Medical facilities:
 - a. Animal hospital - large animals.
 - b. Animal hospital - small animals.
 - c. Prosthetics - sales, service and/or construction.
- 6. Miscellaneous:
 - a. Any facility with drive-through service.
- 7. Parks:

- a. Amusement parks.
8. Public assembly:
 - a. Exhibition halls.
 - b. Fairgrounds.
 - c. Sports arena.
 - d. Theaters - outdoor.
 9. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - b. Motels and transient hotels.
 - c. RV and camping parks.
 - d. Shelter homes.
 10. Retail trade:
 - a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property.
 - b. Automobile and recreational vehicle rental/storage yard.
 - c. Automobile and truck sales and/or rentals.
 - d. Car wash facilities.
 - e. Equipment rental.
 - f. Fuel sales (bulk).
 - g. Gasoline service stations.
 - h. Large implement and heavy equipment sales and/or rentals.
 - i. Manufactured/mobile home sales and/or rentals.
 - j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 - k. Sporting vehicles and motorcycles - sales and/or rentals.
 - l. Storage unit rentals.
 - m. Tire shops.
 11. Services:
 - a. Appliance repair.
 - b. Auctions and/or public sales.
 - c. Automobile and truck service and/or repair.
 - d. Furniture repair/upholstery.
 - e. Publishing and printing business.
 - f. Sporting vehicles and motorcycles - service and repair.
 - g. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.
 - h. Testing laboratories.
 12. Sports facilities:
 - a. Go-cart tracks.
 - b. Golf courses and country clubs.
 - c. Golf driving ranges.
 - d. Indoor recreation facility.
 - e. Sport shooting range - indoor.
 13. Transportation:

- a. Freight transfer points.
- b. Open parking lot or garage for trucks and buses.
- c. Packing and crating.
- d. Trucking facilities.

14. Wholesale:

- a. Wholesale distribution and warehousing, but excluding H-1 facilities.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996; amd. Ord. 2620, 8-2-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2999, 1-24-2011; Ord. 3088, 2-2-2015; Ord. 2021-010, 5-3-2021)

10-4-8.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.

2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title.

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:

1. Commercial Uses And Residential Uses With Five Or More Units Per Building:

a. Front Yards: A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:

(1) A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

(2) Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission.

b. Side And Rear Yards: No property line setbacks are required on side yard or rear yards when adjacent to existing commercial uses, existing residential uses with five (5) or more units per building, vacant property that is zoned for nonresidential development, or vacant property that is designated on the future land use plan for nonresidential development. A property line setback of twenty five feet (25') shall be maintained on the side yard and rear yard for buildings adjacent to existing residential uses with four (4) or fewer units per building, vacant property that is zoned for residential development or vacant property that is designated on the future land use plan for residential development.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district. (Ord. 3077, 8-11-2014)

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-9: M1, LIGHT MANUFACTURING DISTRICT:

10-4-9.1: PURPOSE:

This district is intended to provide for light nonpolluting and major traffic producing industries as well as commercial uses without residential encroachment. (Ord. 2526, 5-20-1996)

10-4-9.2: USE REGULATIONS:

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

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
2. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Historic sites and monuments.
 - d. Libraries, museums and art galleries.
 - e. Planetariums and aquariums.
4. Governmental facilities:
 - a. City, county, highway district - shops.
 - b. Fire stations and police stations.
 - c. Governmental office buildings.
 - d. Judicial facilities.
 - e. Water treatment plants.
5. Medical facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Ambulance service.
 - c. Animal hospital - small animals.
 - d. Doctors' offices.

- e. Drug and alcohol treatment centers.
 - f. Prosthetics - sales, service and/or construction.
 - g. Rehabilitation services.
6. Parks:
- a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
 - e. Public parks and playgrounds with crowd attracting facilities.
7. Public assembly:
- a. Auditoriums.
 - b. Exhibition halls.
 - c. Fairgrounds.
 - d. Funeral chapels.
 - e. Religious facilities.
 - f. Schools - private, single purpose.
 - g. Schools - private, vocational and/or academic.
 - h. Sports arena.
 - i. Wedding chapels and/or reception halls.
8. Residential:
- a. Home occupations.
 - b. Household units existing at the time this title was adopted.
 - c. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
9. Retail trade:
- a. Apparel and accessories.
 - b. Automobile and truck sales and/or rentals.
 - c. Automobile parts store.
 - d. Bakery.
 - e. Bookstore.
 - f. Car wash facilities.
 - g. Commercial greenhouses.
 - h. Craft shop, in conjunction with retail business.
 - i. Eating places.
 - j. Equipment rental.
 - k. Farm and garden supplies.
 - l. Florist shop.
 - m. Food, drugs, etc.
 - n. Fuel sales (bulk).
 - o. Gasoline service stations.
 - p. General merchandise.
 - q. Hardware store.

- r. Hobby and toy store.
 - s. Home furnishings and equipment.
 - t. Ice cream store.
 - u. Import store.
 - v. Large implement and heavy equipment sales and/or rentals.
 - w. Laundering and dry cleaning.
 - x. Laundromats.
 - y. Lumber, plumbing and/or electrical supply stores.
 - z. Music store.
 - aa. Pawnshop.
 - bb. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 - cc. Pet shop.
 - dd. Sporting goods store.
 - ee. Sporting vehicles and motorcycles - sales and/or rentals.
 - ff. Storage unit rentals.
 - gg. Taxidermy studio.
 - hh. Tire shops.
 - ii. Truck stop.
10. Services:
- a. Advertising.
 - b. Apparel repair and alteration.
 - c. Appliance repair.
 - d. Beauty and barbershops.
 - e. Building care contracting offices.
 - f. Business associations.
 - g. Civic, social and fraternal organizations.
 - h. Construction trade offices.
 - i. Consumer credit collection offices.
 - j. Copy center - self-service.
 - k. Dog grooming and/or kennels.
 - l. Duplicating and stenographic offices.
 - m. Employment agency.
 - n. Finance and investment offices.
 - o. Horticultural services.
 - p. Insurance and related business.
 - q. Labor unions and organizations.
 - r. Photography studios.
 - s. Professional organizations.
 - t. Professional services.
 - u. Publishing and printing business.
 - v. Real estate and related business.
 - w. Testing laboratories.

- x. Tourist information center.
 - y. Welfare and charitable facilities.
11. Sports facilities:
 - a. Athletic areas.
 - b. Miniature golf courses.
 - c. Outdoor, public and commercial ice and roller skating facilities.
 - d. Outdoor, public and commercial swimming pools.
 - e. Outdoor public and commercial tennis courts.
 12. Transportation:
 - a. Bus facilities, including pick up shelters.
 - b. Freight transfer points.
 - c. Open parking lot or garage for automobiles.
 - d. Open parking lot or garage for trucks and buses.
 - e. Open parking lot for trucks and equipment.
 - f. Packing and crating.
 - g. Taxicab office.
 - h. Ticket and arrangement facilities.
 - i. Trucking facilities.
 13. Wholesale:
 - a. Wholesale distribution and warehousing, but excluding H-1 facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2999, 1-24-2011)

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

1. Agricultural:
 - a. Farms - fish.
2. Agricultural processing:
 - a. Dairy product processing.
 - b. Fish, meat and poultry processing.
 - c. Grain and seed processing.
3. Communications and utilities:
 - a. Radio and television stations with wireless communications facilities.
 - b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
4. Cultural facilities:
 - a. Zoos.
5. Governmental facilities:
 - a. City, county, highway district - open storage yards.
 - b. Jails, detention centers, work release centers.
6. Manufacturing:
 - a. Apparel and related items.
 - b. Building materials.

- c. Concrete products.
 - d. Food products.
 - e. Furniture and fixtures.
 - f. Handcrafted furniture.
 - g. Metal products.
 - h. Miscellaneous products.
 - i. Paper products.
 - j. Petroleum products.
 - k. Plastic products.
 - l. Professional and scientific products.
 - m. Recycling center.
 - n. Rubber products.
 - o. Sand and gravel.
 - p. Textile products.
7. Medical facilities:
- a. Animal hospital - large animals.
 - b. Hospitals and clinics.
8. Miscellaneous:
- a. Any facility with drive-through service.
 - b. Construction yards.
9. Parks:
- a. Amusement parks.
10. Public assembly:
- a. Schools - public.
 - b. Theaters - indoor.
 - c. Theaters - outdoor.
11. Residential:
- a. Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.
 - b. RV and camping parks.
 - c. Residence halls, residence hotels, rooming houses.
 - d. Shelter homes.
12. Retail trade:
- a. Alcoholic beverages when consumed on premises where sold.
 - b. Automobile and recreational vehicle rental/storage yard.
 - c. Manufactured/mobile home sales and/or rentals.
13. Services:
- a. Auctions and/or public sales.
 - b. Automobile and truck service and/or repair.
 - c. Daycare services.
 - d. Furniture repair/upholstery.
 - e. In home daycare services.

- f. Sporting vehicle and motorcycle service and/or repair.
- g. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.

14. Sports facilities:

- a. Go-cart tracks.
- b. Golf courses and country clubs.
- c. Golf driving ranges.
- d. Indoor recreation facility.
- e. Sport shooting range - indoor.

15. Transportation:

- a. Railroad buildings, equipment and yards.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the distinction between them is of little consequence.. (Ord. 2526, 5-20-1996; amd. Ord. 2620, 8-2-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011; Ord. 2021-010, 5-3-2021)

10-4-9.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M1 district:

(A) Lot Area:

- 1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
- 2. Residential Uses: Residential uses not attached to a commercial building shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

- 1. Commercial uses: No requirement.
- 2. Residential uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial And Manufacturing Uses: No property line setbacks are required on side or rear yard. A setback of thirty five feet (35') on arterials and fifteen feet (15') on other streets is required. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of street frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontage.

2. Household units not attached to nonresidential uses. No requirement.

(G) Off Street Parking:

- 1. Each commercial use shall comply with the provisions of chapter 10 of this title.
- 2. Residential uses shall provide two (2) off street parking spaces for each residential unit.
- 3. Residential units in nonresidential buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-10: M2, HEAVY MANUFACTURING DISTRICT:

10-4-10.1: PURPOSE:

This district is intended to provide industrial users ample room in the city to develop and expand without encroachment by noncompatible uses. (Ord. 2526, 5-20-1996)

10-4-10.2: USE REGULATIONS:

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

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - fish.
 - c. Farms - plants and trees.
 - d. Intensive agricultural units of five (5) acres or more without residential facilities.
2. Agricultural processing:
 - a. Dairy product processing.
 - b. Fish, meat and poultry processing.
 - c. Grain and seed processing.
 - d. Livestock sales.
3. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
4. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Historic sites and monuments.
 - d. Libraries, museums and art galleries.
 - e. Planetariums and aquariums.
5. Governmental Facilities:
 - a. City, County, highway district - open storage yards.
 - b. City, County, highway district - shops.
 - c. Fire stations and police stations.
 - d. Governmental office buildings.
 - e. Jails, detention centers, work release centers.
 - f. Judicial facilities.
 - g. Water treatment plants.
6. Manufacturing:
 - a. Apparel and related items.

- b. Building materials.
 - c. Concrete products.
 - d. Food products.
 - e. Furniture and fixtures.
 - f. Handcrafted furniture.
 - g. Metal products.
 - h. Miscellaneous products.
 - i. Paper products.
 - j. Petroleum products.
 - k. Plastic products.
 - l. Professional and scientific products.
 - m. Rubber products.
 - n. Sand and gravel yards.
 - o. Textile products.
7. Medical Facilities:
- a. Acupuncture facilities approved by the South Central District Health Department or other State regulatory agency.
 - b. Ambulance service.
 - c. Animal hospital - large animals.
 - d. Animal hospital - small animals.
 - e. Doctors' offices.
 - f. Drug and alcohol treatment centers.
 - g. Prosthetics - sales, service and/or construction.
 - h. Rehabilitation services.
8. Parks:
- a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd-attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
 - e. Public parks and playgrounds with crowd attracting facilities.
9. Public Assembly:
- a. Auditoriums.
 - b. Exhibition halls.
 - c. Fairgrounds.
 - d. Funeral chapels.
 - e. Religious facilities.
 - f. Schools - private, single purpose.
 - g. Schools - private, vocational and/or academic.
 - h. Sports arena.
 - i. Wedding chapels and/or reception halls.
10. Residential:
- a. Home occupations.
 - b. Household units existing at the time this Title was adopted.

c. Household units in the same buildings as an allowed use and occupied by the owner or an employee of the allowed use.

11. Retail Trade:

- a. Apparel and accessories.
- b. Automobile and truck sales and/or rentals.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- f. Car wash facilities.
- g. Commercial greenhouses.
- h. Craft shop, in conjunction with retail business.
- i. Eating places.
- j. Equipment rental.
- k. Farm and garden supplies.
- l. Florist shop.
- m. Food, drugs, etc.
- n. Fuel sales (bulk).
- o. Gasoline service stations.
- p. General merchandise.
- q. Hardware store.
- r. Hobby and toy store.
- s. Home furnishings and equipment.
- t. Ice cream store.
- u. Import store.
- v. Large implement and heavy equipment sales and/or rentals.
- w. Laundering and dry-cleaning.
- x. Laundromats.
- y. Lumber, plumbing and/or electrical supply stores.
- z. Manufactured/mobile home sales and/or rentals.
- aa. Music store.
- bb. Pawnshop.
- cc. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- dd. Pet shop.
- ee. Sporting goods store.
- ff. Sporting vehicles and motorcycles - sales and/or rentals.
- gg. Storage unit rentals.
- hh. Taxidermy studio.
- ii. Tire shops.
- jj. Truck stop.

12. Services:

- a. Advertising.
- b. Apparel repair and alteration.

- c. Appliance repair.
 - d. Beauty and barber shops.
 - e. Building care contracting offices.
 - f. Business associations.
 - g. Civic, social and fraternal organizations.
 - h. Construction trade offices.
 - i. Construction yards.
 - j. Consumer credit collection offices.
 - k. Copy center - self-service.
 - l. Dog grooming and/or kennels.
 - m. Duplicating and stenographic offices.
 - n. Employment agency.
 - o. Finance and investment offices.
 - p. Furniture repair/upholstery.
 - q. Horticultural services.
 - r. Insurance and related business.
 - s. Labor unions and organizations.
 - t. Photography studios.
 - u. Professional organizations.
 - v. Professional services.
 - w. Publishing and printing business.
 - x. Real estate and related business.
 - y. Sporting vehicle and motorcycle service and/or repair.
 - z. Testing laboratories.
 - aa. Tourist information center.
 - bb. Welfare and charitable facilities.
13. Sports Facilities:
- a. Athletic areas.
 - b. Go-cart tracks.
 - c. Miniature golf courses.
 - d. Racetracks.
14. Transportation:
- a. Bus facilities, including pick up shelters.
 - b. Freight transfer points.
 - c. Open parking lot or garage for automobiles.
 - d. Open parking lot or garage for trucks and buses.
 - e. Open parking lot or garage for trucks and equipment.
 - f. Packing and crating.
 - g. Railroad buildings, equipment and yards.
 - h. Taxicab office.
 - i. Ticket and arrangement facilities.
 - j. Trucking facilities.

15. Wholesale:

- a. Wholesale distribution and warehousing, but excluding H-1 and H-7(2) facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2635, 10-12-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011)

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

1. Communications and utilities:

- a. Radio and television stations with wireless communications facilities.
- b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

- a. Zoos.

3. Governmental facilities:

- a. Sewage treatment plants.

4. Manufacturing:

- a. Chemicals and chemical products (H-1 and H-7(2)) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.
- b. Recycling centers.
- c. Wrecking yards, automobile salvage yards and junkyards, but prohibited within canyons, within two hundred feet (200') of canyon rims and on land with slopes greater than fifteen percent (15%) grade.

5. Medical facilities:

- a. Hospitals and clinics.

6. Miscellaneous:

- a. Any facility with drive-through service.

7. Parks:

- a. Amusement parks.

8. Public assembly:

- a. Schools - public.
- b. Theaters - indoor.
- c. Theaters - outdoor.

9. Residential:

- a. Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.

10. Retail trade:

- a. Alcoholic beverages when consumed on the premises where sold.
- b. Automobile and recreational vehicle rental/storage yard.

11. Services:

- a. Auctions and/or public sales.
- b. Daycare services.
- c. In home daycare services.
- d. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.
- e. Automobile and truck service and/or repair.
- f. Automobile impound facility.

12. Sports facilities:
 - a. Golf courses and country clubs.
 - b. Golf driving ranges.
 - c. Gun clubs.
 - d. Indoor recreation facility.
 - e. Outdoor, public and commercial ice and roller skating facilities.
 - f. Outdoor, public and commercial swimming pools.
 - g. Outdoor public and commercial tennis courts.
 - h. Sport shooting range - indoor.

13. Wholesale:

- a. H-1 and H-7(2) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996; amd. Ord. 2635, 11-15-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011; Ord. 2021-010, 5-3-2021)

10-4-10.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M2 district:

(A) Lot Area:

1. Nonresidential Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to an allowed use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required on side and rear yards. Setbacks on arterial frontages shall be thirty five feet (35') from property line and fifteen feet (15') on other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booths, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer part of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontages.
2. Household units not attached to nonresidential uses: No requirement.

(G) Off-Street Parking:

1. Each nonresidential use shall comply with the provisions of Chapter 10 of this Title.
2. Residential uses shall provide two (2) parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off-street parking space for each dwelling unit in the

building.

(H) Signs: See Chapter 9 of this Title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of Section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

(J) H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons. (Ord. 2526, 5-20-1996)

10-4-11: OS, OPEN SPACE DISTRICT:

10-4-11.1: PURPOSE:

This District is intended to protect canyon areas and to provide open space for passive and active recreation.

10-4-11.2: USE REGULATIONS:

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

1. Agricultural:

- a. Farms - animals on pasture.
- b. Farms - plants and trees.
- c. Intensive agricultural units of five (5) acres or more without residential facilities.

2. Communications And Utilities:

- a. Underground and aboveground transmission lines.
- b. Utility-owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

3. Parks:

- a. Open space.
- b. Public parks and playgrounds without crowd attracting facilities.

4. Residential:

- a. Household units existing at the time this Title was adopted. (Ord. 2526, 5-20-1996)

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

1. Agricultural:

- a. Farms - fish.

2. Communications And Utilities:

- a. Utility-owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- b. Transmission and receiving towers over thirty five feet (35') tall, provided that they are located near other tall structures.

3. Cultural Facilities:

- a. Botanical gardens and arboretums.
- b. Cemeteries.
- c. Historic sites and monuments.
- d. Zoos.

4. Governmental facilities:

- a. Sewage treatment plants.
- b. Water treatment plants.

5. Parks:

- a. Park concessions.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds with crowd attracting facilities.

6. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Accessory buildings (less than 1,000 square feet), i.e., garages and other accessory buildings except those physically attached garages that are built at the same time the home is built.
- c. Residential ZDA (not to exceed SUI density).

7. Services:

- a. Tourist information center.

8. Sports facilities:

- a. Athletic areas.
- b. Equestrian facilities and/or riding stables.
- c. Golf courses and country clubs.
- d. Golf driving ranges.
- e. Miniature golf courses.
- f. Outdoor, public and commercial ice and roller skating facilities.
- g. Outdoor, public and commercial swimming pools.
- h. Outdoor, public and commercial tennis courts.

i. Zip lines operated by outfitters and guides licensed by the Idaho outfitters and guides licensing board. (Ord. 2620, 8-2-1999; amd. Ord. 2796, 6-14-2004; Ord. 2997, 12-13-2010; Ord. 3082, 12-8-2014)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-11.3: PROPERTY DEVELOPMENT STANDARDS:

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

(A) Use Of Lots: Each building except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a lot shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

- 1. The minimum lot area per household dwelling shall be eight thousand (8,000) square feet if serviced by centralized sewer and forty three thousand (43,000) square feet if on septic tanks.
- 2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof, and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.
- 3. Each nonresidential use shall have a minimum lot area established by the commission.

(C) Lot Occupancy:

- 1. No household dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.
- 2. Each nonresidential use shall have a minimum lot occupancy established by the commission.

(D) Building Height: No building shall exceed twenty feet (20') in height.

(E) Yards:

- 1. Household dwellings shall conform to the yard setbacks of the R1-VAR district.
- 2. Each nonresidential use shall have a yard established by the commission.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have the landscaping requirement established by the commission.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-12: AP, AIRPORT DISTRICT:

10-4-12.1: PURPOSE:

This district is intended to prevent the encroachment into air space required for flight safety and, in doing so, to also consider the safety of residential and other uses on the ground. Horizontal and vertical spacing is generally based on federal aviation agency recommendations. Electromagnetic restrictions are provided to prevent disorientation of electronic aviation aids. Light, glare and smoke requirements are intended to prevent visual loss of contact with ground, structures or other obstructions. (Ord. 2526, 5-20-1996)

10-4-12.2: USE REGULATIONS:

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

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
2. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
4. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Water treatment plants.
5. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
6. Residential:
 - a. Accessory buildings (less than 1,500 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - detached single household.
 - c. Household units existing at the time this title was adopted.
7. Retail trade:
 - a. Alcoholic beverages when consumed on the premises where sold.

8. Transportation: Supplemental uses shall be allowed on Joslin Field, Magic Valley regional airport in conjunction with the use of the airport as recommended by the airport advisory commission and approved by the city council and county

commissioners. (Ord. 2526, 5-20-1996; amd. Ord. 2635, 11-15-1999; Ord. 2798, 8-2-2004; Ord. 2999, 1-24-2011)

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

1. Agricultural:
 - a. Farms - fish.
2. Cultural facilities:
 - a. Cemeteries.
3. Miscellaneous:
 - a. Any facility with drive-through service.
4. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
5. Public assembly:
 - a. Sports arena.
6. Residential:
 - a. Accessory buildings (more than 1,500 square feet), i.e., garages and other accessory buildings except those physically attached garages that are built at the same time the home is built.
 - b. Home occupations.
7. Sports facilities:
 - a. Athletic areas.
 - b. Golf courses and country clubs.
 - c. Golf driving ranges.
 - d. Gun clubs.
 - e. Racetracks.
8. Transportation: Airport and related facilities.
9. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground. (Ord. 2620, 8-2-1999; amd. Ord. 2635, 11-15-1999; Ord. 2798, 8-2-2004; Ord. 2999, 1-24-2011)

(C) Temporary Special Uses: (Rep. by Ord. 2798, 8-2-2004)

(D) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-12.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the AP district, except on Joslin Field, Magic Valley Regional Airport property, which development standards shall be as established by the airport advisory commission and approved by the city council and county commissioners: (Ord. 2635, 11-15-1999)

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling and per farm shall be twenty (20) acres.
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.
3. Each nonresidential and nonfarm use shall have a minimum lot area established by the commission.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height, except the commission may authorize additional height for structures as provided in federal aviation agency regulations part 77. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than thirty feet (30') to the front property line.
- b. Where lots have double frontage on two (2) streets, the required front yard of thirty feet (30') shall be provided on both streets.
- c. On a corner lot, the required front yard of thirty feet (30') shall be provided on both streets.
- d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than seven feet (7') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.
- c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the property line.

3. Rear Yard:

- a. The rear building line shall not be closer than thirty feet (30') to the rear property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.
- c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(G) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.
2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area. (Ord. 2550, 6-2-1997)

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

(K) Additional Restrictions:

1. Lighting:
 - a. Any pulsating, flashing, rotating, oscillating or other type of lighting intended as an attention getting device is prohibited.
 - b. Floodlights, spotlights or other lighting devices shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the grounds.
2. Glare:

a. Glare producing building materials shall not be allowed on any structure or any other use of the land.

3. Electromagnetic:

a. No use may be made of land which results in electromagnetic radiation which interferes with radio communications between aircraft or between aircraft and airport, or interferes with established radio navigation aids.

4. Smoke:

a. No use may be made of land which emits smoke, dust or any visible fumes or vapors into the atmosphere.

5. Avigation Easement:

a. An avigation easement shall be required from any property owner applying for a building permit. (Ord. 2526, 5-20-1996)

10-4-13: OT, OLD TOWN DISTRICT:

10-4-13.1: PURPOSE:

This district (located east of Shoshone Street South, north of the railroad tracks, west of Fourth Street South, and south of the alley between Second Avenue South and Third Avenue South in the city of Twin Falls) is intended to promote the redevelopment of this historic warehouse area and to provide for small retail shops, moderately sized commercial activities, and compatible light manufacturing and service industry businesses, with residential opportunity for persons wishing to work and live in a unified environment. It is intended that buildings in this area maintain the historic character of the existing buildings.

To encourage redevelopment of existing properties, the city planning administrator may waive strict conformance to the requirements for parking, landscaping, and/or surface water retention when such waiver would not be contrary to the public interest. (Ord. 2526, 5-20-1996)

10-4-13.2: USE REGULATIONS:

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

1. Communications And Utilities:

- a. Radio and television stations without transmission and receiving towers.
- b. Telegraph centers and telegraph stations.
- c. Telephone exchange stations.
- d. Underground and aboveground transmission lines.
- e. Utility-owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Cultural Facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Libraries, museums and art galleries.
- d. Planetariums and aquariums.

3. Governmental Facilities:

- a. Governmental office buildings.

4. Medical Facilities:

- a. Acupuncture facilities approved by the South Central District Health Department or other state regulatory agency.
- b. Doctors' offices.
- c. Drug and alcohol treatment centers.
- d. Hospitals and clinics.
- e. Prosthetics - sales, service and construction.
- f. Rehabilitation services.
- g. Ambulance service.

5. Parks:

- a. Open space.

- b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
6. Public Assembly:
- a. Auditoriums.
 - b. Exhibition halls.
 - c. Funeral chapels.
 - d. Schools - private, single purpose.
 - e. Schools - private, vocational and/or academic.
 - f. Schools - public.
 - g. Theaters - indoor.
 - h. Wedding chapels and/or reception halls.
7. Residential:
- a. Bed and breakfast facilities.
 - b. Household units in same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - c. Household units in upper floors of commercial or professional buildings.
8. Retail Trade:
- a. Apparel and accessories.
 - b. Automobile parts store.
 - c. Bakery.
 - d. Bookstore.
 - e. Craft shop, in conjunction with retail business.
 - f. Eating places.
 - g. Farm and garden supplies.
 - h. Florist shop.
 - i. Food, drugs, etc.
 - j. General merchandise.
 - k. Hardware store.
 - l. Hobby and toy store.
 - m. Home furnishings and equipment.
 - n. Ice cream store.
 - o. Import store.
 - p. Laundering and dry-cleaning.
 - q. Laundromats.
 - r. Music store.
 - s. Pawnshop.
 - t. Pet shop.
 - u. Sporting goods store.
 - v. Taxidermy studio.
9. Services:
- a. Advertising.

- b. Apparel repair and alteration.
 - c. Appliance repair.
 - d. Beauty and barbershops.
 - e. Building care contracting office.
 - f. Business associations.
 - g. Civic, social and fraternal organizations.
 - h. Construction trade offices.
 - i. Consumer credit collection offices.
 - j. Copy center - self-service.
 - k. Daycare services.
 - l. Duplicating and stenographic offices.
 - m. Employment agency.
 - n. Finance and investment offices.
 - o. Horticultural services.
 - p. In-home daycare services.
 - q. Insurance and related business.
 - r. Labor unions and organizations.
 - s. Photography studios.
 - t. Professional organizations.
 - u. Professional services.
 - v. Publishing and printing business.
 - w. Real estate and related business.
 - x. Testing laboratory.
 - y. Tourist information center.
 - z. Welfare and charitable facilities.
10. Transportation:
- a. Bus facilities, including pick up shelters.
 - b. Open parking lot or garage for automobiles.
 - c. Taxicab office.
 - d. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

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

- 1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 2. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
- 3. Manufacturing:
 - a. Apparel and related items.
 - b. Furniture and fixtures.

- c. Handcrafted furniture.
 - d. Miscellaneous products.
 - e. Paper products.
 - f. Plastic products.
 - g. Professional and scientific products.
 - h. Rubber products.
 - i. Textile products.
4. Medical facilities:
- a. Animal hospital - small animal.
5. Miscellaneous:
- a. Any facility with drive-through service.
6. Public assembly:
- a. Exposition and recreational vehicle shows.
 - b. Farmers' markets, flea markets.
 - c. Religious facilities.
 - d. Sports arena.
 - e. Theater, outdoor.
7. Residential:
- a. Dwellings - attached single household dwellings.
 - b. Dwellings - duplex.
 - c. Dwellings - triplex and fourplex.
 - d. Dwellings - multiple household (5 units or more).
 - e. Motels and transient hotels.
 - f. Nursing homes and rest homes.
 - g. Residence halls, residence hotels, rooming houses.
 - h. Shelter homes.
8. Retail trade:
- a. Alcoholic beverages when consumed on the premises where sold.
 - b. Equipment rental.
 - c. Lumber, plumbing and/or electrical supply stores.
 - d. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 - e. Sporting vehicles and motorcycles - sales and/or rentals.
 - f. Storage unit rentals.
9. Services:
- a. Auction and/or public sales.
 - b. Automobile and truck service and/or repair.
 - c. Sporting vehicle and motorcycle service and/or repair.
10. Sports facilities:
- a. Athletic areas.
 - b. Indoor recreation facility.
 - c. Miniature golf course.
 - d. Outdoor, public and commercial ice and roller skating facilities.

- e. Outdoor, public and commercial swimming pools.
 - f. Outdoor, public and commercial tennis courts.
11. Transportation:
- a. Freight transfer points.
 - b. Open parking lot or garage for trucks and buses.
 - c. Packing and crating.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. Also prohibited is the storage of manufacturing materials and/or supplies outside an enclosed structure. (Ord. 2526, 5-20-1996; amd. Ord. 2620, 8-2-1999; Ord. 3033, 6-25-2012; Ord. 2016-5, 3-7-2016; Ord. 2023-005, 3-11-2024)

10-4-13.3: PROPERTY DEVELOPMENT STANDARDS:

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

(A) Lot Area: The lot shall be of sufficient size to provide for the building, off street parking, landscaping, and surface water retention.

(B) Lot Occupancy: No requirement. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided in section 10-7-3 of this title. (Ord. 3077, 8-11-2014)

(D) Yards: No requirement.

(E) Access: All lots shall have vehicular access on a dedicated improved public street unless a secondary means of permanent access has been provided.

(F) Landscaping:

1. Public Rights Of Way:

a. Landscaping and lighting shall be provided which meet the requirements of the old town master landscaping plan.

2. Public And Private Parking Lots:

a. Ten percent (10%) of the total parking area shall be landscaped.

b. At least eighty percent (80%) of the trees and shrubs planted in the parking lots shall be from the master list of approved species as stated in the old town master landscaping plan.

c. A thirty inch (30") high masonry wall, hedge or shrub planting shall be provided between the parking lot and a public sidewalk. Such wall, hedge or shrub planting shall be continuous except for pedestrian or vehicle access.

d. Fifty percent (50%) of all shrubs and twenty five percent (25%) of all trees shall be evergreen.

e. Planted dividers at least six feet (6') wide shall be provided between parking rows. Such dividers shall be planted with shade trees at least eight feet (8') in height when planted.

f. One shade tree shall be provided within planted dividers, islands within parking lots, or along the parking lot periphery for every ten (10) parking spaces.

g. Dumpster areas, loading sites and other unsightly areas shall be screened with landscaped plantings, or wooden or masonry sight obscuring fencing.

h. Parking lots shall be illuminated with lighting fixtures installed at the rate of one per every eighteen (18) cars. Such lighting shall be in conformance with the old town master landscaping plan.

(G) Off Street Parking:

1. Household units shall have a minimum of one off street, on site, parking space per unit.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title and the P3 parking overlay. (Ord. 2526, 5-20-1996)

(H) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code.

(Ord. 2550, 6-2-1997)

10-4-14: CM, COMMERCIAL MIXED USE DISTRICT:

10-4-14.1: PURPOSE:

This district is intended to provide for a mixture of commercial, professional and residential uses in a unified environment planned and approved through the ZDA process. (Ord. 3082, 12-8-2014)

10-4-14.2: USE REGULATIONS:

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

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') above ground.
2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Judicial facilities.
4. Medical facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Doctors' offices.
 - c. Hospitals and clinics.
 - d. Rehabilitation services.
5. Parks:
 - a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
6. Public assembly:
 - a. Auditoriums.
 - b. Funeral chapels.
 - c. Religious facilities.
 - d. Schools - private, single purpose.
 - e. Schools - private, vocational and/or academic.
 - f. Schools - public.
 - g. Theaters - indoor.
 - h. Wedding chapels and/or reception halls.
7. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Bed and breakfast facilities.
 - c. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.

- d. Dwellings - duplex.
- e. Dwellings - multiple household (5 units or more).
- f. Dwellings - triplex and fourplex.
- g. Home occupations.
- h. Household units in same building as an allowed use and occupied by the owner or an employee of the allowed use.
- i. Household units in the upper floors of commercial or professional buildings.
- j. Nursing homes and rest homes.
- k. Residence halls, residence hotels, rooming houses.

8. Retail Trade:

- a. Apparel and accessories.
- b. Automobile parts store.
- c. Bakery.
- d. Bookstore.
- e. Commercial greenhouses.
- f. Craft shop, in conjunction with retail business.
- g. Eating places.
- h. Farm and garden supplies.
- i. Florist shop.
- j. Food, drugs, etc.
- k. General merchandise.
- l. Hardware store.
- m. Hobby and toy store.
- n. Home furnishings and equipment.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry-cleaning.
- r. Laundromats.
- s. Music store.
- t. Pawnshop.
- u. Pet shop.
- v. Sporting goods store.
- w. Taxidermy studio.

9. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Appliance repair.
- d. Beauty and barbershops.
- e. Building care contracting offices.
- f. Business associations.
- g. Construction trade offices.
- h. Consumer credit collection offices.

- i. Copy center - self-service.
 - j. Daycare services.
 - k. Duplicating and stenographic offices.
 - l. Employment agency.
 - m. Finance and investment offices.
 - n. Horticultural services.
 - o. In-home daycare services.
 - p. Insurance and related business.
 - q. Labor unions and organizations.
 - r. Photography studios.
 - s. Professional organizations.
 - t. Professional services.
 - u. Real estate and related business.
 - v. Tourist information center.
10. Transportation:
- a. Bus facilities, including pickup shelters.
 - b. Taxicab office.
 - c. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

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

- 1. Communications And Utilities:
 - a. Utility-owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 2. Cultural Facilities:
 - a. Cemeteries.
 - b. Zoos.
- 3. Governmental Facilities:
 - a. Water treatment plants.
- 4. Medical Facilities:
 - a. Animal hospital - small animal.
 - b. Drug and alcohol treatment centers.
 - c. Prosthetics - sales, service and/or construction.
- 5. Miscellaneous:
 - a. Any facility with drive-through service.
- 6. Parks:
 - a. Public parks and playgrounds with crowd attracting facilities.
- 7. Public Assembly:
 - a. Exhibition halls.
 - b. Fairgrounds.
 - c. Sports arena.
 - d. Theaters - outdoor.

8. Residential:

- a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garaged built at the same time the home is built.
- b. Motels and transient hotels.
- c. RV and camping parks.
- d. Shelter homes.

9. Retail Trade:

- a. Alcoholic beverages, when consumed on the premises where sold.
- b. Automobile and truck sales and/or rentals.
- c. Car wash facilities.
- d. Equipment rental.
- e. Fuel sales (bulk).
- f. Gasoline service stations.
- g. Lumber, plumbing and/or electrical supply stores.
- h. Manufactured/mobile home sales and/or rentals.
- i. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- j. Sporting vehicles and motorcycles - sales and/or rentals.
- k. Storage unit rentals.
- l. Tire shops.

10. Services:

- a. Civic, social and fraternal organizations.
- b. Dog grooming and/or kennels.
- c. Publishing and printing business.
- d. Welfare and charitable facilities.

11. Sports Facilities:

- a. Athletic areas.
- b. Golf courses and country clubs.
- c. Golf driving ranges.
- d. Indoor recreation facility.
- e. Miniature golf courses.
- f. Outdoor, public and commercial ice and rollerskating facilities.
- g. Outdoor, public and commercial swimming pools.
- h. Outdoor, public and commercial tennis courts.

12. Transportation:

- a. Freight transfer points.
- b. Open parking lot or garage for automobiles.
- c. Open parking lot or garage for trucks and buses.
- d. Packing and crating.
- e. Trucking facilities.

13. Wholesale Facilities:

- a. Wholesale distribution and warehousing, but excluding H-1 facilities. (Ord. 2620, 8-2-1999)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this Title is made that the use is similar enough to a use listed above that distinction between them

is of little consequence.

10-4-14.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. (Ord. 2526, 5-20-1996)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district or as determined by the ZDA process. (Ord. 3082, 12-8-2014)

(B) Lot Occupancy:

1. Commercial Uses: No requirement.

2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed thirty five feet (35') in height except as provided by section 10-7-3 of this title.

(D) Yards:

1. Commercial Uses And Residential Uses With Five Or More Units Per Building: No property line setbacks are required on side yard or rear yard. A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. (Ord. 2526, 5-20-1996)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district or as determined through the ZDA process. (Ord. 3082, 12-8-2014)

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater or as determined by the ZDA process. (Ord. 3082, 12-8-2014)

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.

2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.

3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-15: RM, RESIDENTIAL MIXED USE DISTRICT:

10-4-15.1: PURPOSE:

This district is intended to provide for a mixture of residential housing types in a unified environment planned and approved through the ZDA process. (Ord. 3082, 12-8-2014)

10-4-15.2: USE REGULATIONS:

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

1. Communications and utilities:

a. Underground and aboveground transmission lines.

b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') above ground.

2. Parks:

- a. Open space.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds without crowd attracting facilities.

3. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- c. Dwellings - detached single household.
- d. Dwellings - duplex.
- e. Dwellings - multiple household (5 units or more).
- f. Dwellings - triplex and fourplex. (Ord. 2526, 5-20-1996)

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

1. Communications and utilities:

a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Libraries, museums and art galleries.
- d. Planetariums and aquariums.
- e. Zoos.

3. Governmental facilities:

- a. Fire stations and police stations.
- b. Water treatment plants.

4. Parks:

- a. Park concessions.
- b. Public parks and playgrounds with crowd attracting facilities.

5. Public assembly:

- a. Auditoriums.
- b. Religious facilities.
- c. Schools - public.

6. Residential:

a. Accessory buildings (more than 1,000 square feet), i.e., garages and other accessory buildings except those built at the same time the home is built.

- b. Bed and breakfast facilities.
- c. Home occupations.
- d. Nursing homes and rest homes.
- e. Residence halls, residence hotels, rooming houses.

7. Services:

- a. In home daycare services.

8. Sports facilities:

- a. Golf courses and country clubs.

- b. Golf driving ranges.
- c. Miniature golf courses.
- d. Outdoor, public and commercial ice and roller skating facilities.
- e. Outdoor, public and commercial swimming pools.
- f. Outdoor, public and commercial tennis courts. (Ord. 2620, 8-2-1999)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-15.3: PROPERTY DEVELOPMENT STANDARDS:

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

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2¹/₂') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-16: CSI, COLLEGE OF SOUTHERN IDAHO DISTRICT:

10-4-16.1: PURPOSE:

This district is intended to promote development which will serve or complement the College Of Southern Idaho while allowing for a mixture of land uses in a unified environment planned and approved through the ZDA process. (Ord. 3082, 12-8-2014)

10-4-16.2: USE REGULATIONS:

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

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') above ground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex.
 - e. Dwellings - multiple household (5 units or more).
 - f. Dwellings - triplex and fourplex.
 - g. Household units in upper floors of commercial or professional buildings. (Ord. 2526, 5-20-1996)

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

1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') above ground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
 - e. Zoos.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.

4. Medical Facilities:
 - a. Doctors' offices.
 - b. Drug and alcohol treatment centers.
 - c. Hospitals and clinics.
 - d. Rehabilitation services.
5. Miscellaneous:
 - a. Any facility with drive-through service.
6. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
7. Public Assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - private, vocational and/or academic.
 - d. Schools - public.
8. Residential:
 - a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages that are built at the time the home is built.
 - b. Bed and breakfast facilities.
 - c. Home occupations.
 - d. Nursing homes and rest homes.
 - e. Residence halls, residence hotels, rooming houses.
9. Services:
 - a. Daycare services.
 - b. Finance and investment offices.
 - c. In-home daycare services.
 - d. Insurance and related business.
 - e. Professional services.
 - f. Real estate and related business.
10. Sports Facilities:
 - a. Athletic areas.
 - b. Golf courses and country clubs.
 - c. Golf driving ranges.
 - d. Miniature golf courses.
 - e. Outdoor, public and commercial ice and rollerskating facilities.
 - f. Outdoor, public and commercial swimming pools.
 - g. Outdoor, public and commercial tennis courts. (Ord. 2620, 8-2-1999)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-16.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the CSI district: (Ord. 2526, 5-20-1996)

- (A) Use Of Lots: As provided for in the ZDA development plan. (Ord. 3082, 12-8-2014)
- (B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}$ ') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-17: MHO-1, MOBILE HOME OVERLAY DISTRICT-ONE:

10-4-17.1: PURPOSE:

This overlay district is intended to provide housing alternatives of both conventional homes and manufactured homes in a low density environment with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required. This district may overlay an existing developed R4 or R6 district. (Ord. 2526, 5-20-1996)

10-4-17.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be

erected, altered or enlarged only for the following uses:

1. Any use permitted in the basic district upon which the overlay is placed.
2. Manufactured homes which meet the following standards:
 - a. Must be at least twelve feet (12') wide.
 - b. Must not be less than seven hundred (700) square feet.
 - c. Permanent foundations must be provided that meet or exceed current Idaho manufactured home standards, as adopted by the state of Idaho division of building safety, manufactured housing section or have been rehabilitated pursuant to chapter 25, title 44 of the Idaho Code.
 - d. Must be built to HUD manufactured home specifications.
 - e. Modifications shall conform to the uniform building code as adopted by the city. (Ord. 2526, 5-20-1996; amd. Ord. 2741, 11-4-2002)

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

1. Any use permitted by special use permit in the basic district upon which the overlay is placed.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-17.3: DISTRICT SIZE:

The minimum overlay district shall be ten (10) acres. (Ord. 2526, 5-20-1996)

10-4-17.4: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in mobile home overlay district one:

The property development standards shall be the same as those of the basic district upon which the overlay is placed. (Ord. 2526, 5-20-1996)

10-4-18: PRO, PROFESSIONAL OFFICE OVERLAY DISTRICT:

10-4-18.1: PURPOSE:

This overlay district is intended to provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses and in areas that are near large public or private medical facilities. Centralized water and sewer facilities are required. This overlay may be placed on an R2, R4 or R6 district. (Ord. 2657, 6-19-2000)

10-4-18.2: USE REGULATIONS:

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

1. Any use permitted in the basic district upon which the overlay is placed.

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

1. Basic district uses: Any use allowed by special use permit in the basic district upon which the overlay is placed.
2. Medical facilities:
 - a. Doctors' offices.
3. Residential:
 - a. Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
 - b. Assisted Living/Nursing Home.
4. Services:
 - a. Beauty salons/barbershops.
 - b. Consumer credit collection.
 - c. Employment agency.
 - d. Finance and investment offices.
 - e. Insurance and related business.

- f. Professional services.
- g. Photography studios.
- h. Real estate and related business.
- i. Commercial daycare facilities and preschools.

5. Additional land uses: The following additional land uses may be allowed by special use permit in the following historic areas of the city: Addison Avenue and Blue Lakes Boulevard:

a. Residential:

- (1) Bed and breakfast facilities.
- (2) Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
- (3) Household units in upper floors of commercial or professional buildings.

b. Retail trade:

- (1) Bookstore.
- (2) Cottage businesses.
- (3) Craft shop.
- (4) Florist shop.
- (5) Hobby and toy store.
- (6) Art galleries and frame shops.
- (7) Antique shop.
- (8) Fabric and pattern shop.
- (9) Home decor, excluding appliances.

c. Services:

- (1) Photography studios.
- (2) Seamstress.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2943, 6-16-2008; amd. Ord. O-2025-011, 7-21-2025)

10-4-18.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the professional office overlay district:

(A) Lot Area:

- 1. The minimum lot size as required by the basic district upon which the overlay is placed.
- 2. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping.

(B) Lot Occupancy:

- 1. Same as that of the basic district upon which the overlay is placed.
- 2. For professional offices, there is no occupancy requirement.

(C) Building Height: No building shall exceed thirty five feet (35') in height.

(D) Yards:

1. Front yards:

- a. Same as that of the basic district upon which the overlay is placed.

2. Side yards:

- a. Same as that of the basic district upon which the overlay is placed.

3. Rear yards:

- a. Same as that of the basic district upon which the overlay is placed.

b. For professional offices, the rear yard may be reduced to the side yard setback of the basic district.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping:

1. Residential uses: Same as that of the basic district upon which the overlay is placed.
2. Professional uses: Professional offices shall provide landscaping equal to ten percent (10%) of the total lot area.

(G) Off Street Parking:

1. Same as that of the basic district upon which the overlay is placed.
2. Each professional office shall provide one parking space per three hundred (300) square feet of total building area measured from the exterior of the building, or as required by subsection 10-10-3(A) of this title. (Ord. 2657, 6-19-2000)

(H) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(I) Walls, Fences And Hedges:

1. Same as that of the basic district upon which the overlay is placed.
2. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.

(J) Additional Standards: The following additional property development standards shall apply to Addison Avenue and Blue Lakes Boulevard:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform with the general residential nature of the neighborhood, consistent with the existing architectural style and design.
2. Parking: All off street parking shall be placed on the alley side of the lots so that the portion of the property that fronts the side streets and arterial streets shall continue to have lawn and landscaping consistent with surrounding properties as opposed to asphalt, rock or pavement. Also, any use that has a parking requirement, as determined by section 10-10-6 of this title, in excess of fifteen (15) spaces is prohibited.
3. Landscaping: Twenty five percent (25%) of each property shall be maintained in landscaping.
4. Driveway Access: No driveway will open onto the side street for access or ingress to the properties containing the professional offices or commercial uses, nor can any additional curb cuts be made on the side street curbs. However, if there presently exists a driveway that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places. (Ord. 2657, 6-19-2000)

10-4-19: CRO, CANYON RIMS OVERLAY DISTRICT:

10-4-19.1: PURPOSES:

The purposes of the canyon rims overlay district are as follows:

- (A) To protect the public and private property owners from the natural hazards of rock fall and slope failure along the Snake River Canyon and Rock Creek Canyon.
- (B) To protect views and create a unique visual environment along the canyon rims.
- (C) To preserve and improve the aesthetic appearance of the canyon rims for the enhancement of the quality of life in the community.
- (D) To provide development standards that enhance the value of canyon rim areas to the developer and the community. (Ord. 2022-017, 9-12-2022)

10-4-19.2: LOCATION:

The canyon rims overlay district shall include all of that area within the city and its area of impact located within two hundred feet (200') of the Rock Creek Canyon rim and within seven hundred feet (700') of the Snake River Canyon rim which carries a residential or C-I zoning designation. (Ord. 2526, 5-20-1996; Ord. 2022-017, 9-12-2022)

10-4-19.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the canyon rims overlay district:

- (A) Lot Area: Same as the basic zoning district upon which the overlay is placed.
- (B) Lot Occupancy: Same as the basic zoning district upon which the overlay is placed.
- (C) Building Height:
 1. Within the CI Zoning District: No building shall exceed maximum building height of Twenty-five feet (25') in height measured at fifty linear feet (50') from the canyon rim and rising evenly to thirty-five feet (35') in height measured at one hundred linear feet (100') from the canyon rim, and thereafter rising evenly to fifty feet (50') in height measured at one hundred fifty linear feet (150') from the canyon rim.

2. All other applicable Districts: No building shall exceed maximum building height of Twenty-five feet (25') in height measured at fifty linear feet (50') from the canyon rim and rising evenly to thirty-five feet (35') in height measured at one hundred linear feet (100') from the canyon rim.

3. All heights are to be measured from the existing canyon rim elevation, or the existing ground level elevation at the building site, whichever elevation is greater.

4. Additional Height: Additional height may be requested for those areas beyond the fifty-foot (50') Canyon Rim Setback. See Additional Building Height Process City Code 10-7-3.

(D) Building Setbacks:

1. Yards: Same as that of the basic zoning district upon which the overlay is placed.

2. Geological Report: The minimum canyon rim setback in the CRO district shall be one hundred feet (100') without a geological report meeting the following requirements:

- a. The name, address, and telephone number of the responsible Idaho licensed geological engineer;
- b. The qualifications of the Idaho licensed geological engineer, including a list of similar studies and references;
- c. A certificate of professional liability insurance for the individual or firm preparing the report;

d. A location map, showing the relation of the site studied to the surrounding area, including the topography and drainage pattern of that area, and the location of any off site observations (wells, soil observation pits, etc.) used in preparing the findings of the report;

e. A parcel map, showing the parcel boundaries, the proposed canyon rim setback, building envelope, or building location, the proposed location of any on site sewage disposal facilities, any watercourses or drainageways across or adjacent to the parcel, and the location of any soil observation pits, wells, or other observations used in preparing the findings of the report;

f. A description of the geologic setting of the parcel;

g. A description of the methods used to arrive at the findings, including the sampling procedure used to determine the sites used for observations; and

h. A clear statement that buildings behind the proposed canyon rim setback, within the proposed envelope, or at the proposed building location are not subject to significant hazard from slope movements and that construction on the site will not present a significant hazard to people or properties.

i. The findings shall be qualified, as necessary, with recommendations for site stabilization, drainage, and building construction techniques or specifications that will minimize any potential hazard.

j. The information used as a basis for the findings may be integrated with the findings or presented separately.

3. Canyon Rim Setback: The minimum canyon rim setback in the CRO district with a geological report meeting the requirements set forth above shall be either the minimum setback recommended in the geological report or the minimum setback set out below, whichever is greater:

- a. Rock Creek Canyon: Fifty feet (50').
- b. Snake River Canyon from Rock Creek Canyon to the centerline of 3300 East, extended: Fifty feet (50').
- c. Snake River Canyon east of the centerline of 3300 East, extended: One hundred feet (100').

(E) Landscaping: Overall, twenty percent (20%) of the total area included in any commercial or mixed-use development in the canyon rims overlay district shall be devoted to landscaped open space. That space shall meet the requirements of section of this title and shall include the following elements:

1. Street Buffers: Commercial uses shall provide a minimum thirty foot (30') landscaped buffer along arterial and collector streets. Residential uses shall provide a minimum fifty foot (50') landscaped buffer along arterial streets.

2. Use Buffers: There shall be a minimum fifty foot (50') landscaped buffer between residential and commercial elements of a mixed-use canyon rims overlay district development.

3. Use Of Buffers: Roads and utilities may cross landscaped buffers, sidewalks and trails may run-through them, and permitted freestanding signs and minor utility installations may be based in them.

4. Parking Areas: Parking areas including twenty-four (24) or more spaces shall be broken into separate bays by landscaped areas and pedestrian walks that comprise at least ten percent (10%) of the area devoted to parking.

5. Canyon Rim Setback Area: The canyon rim setback area may be included as part of the twenty percent (20%) landscaping requirement if the area is landscaped to meet the minimum requirements of subsection (A) of this title or if planted with native vegetation.

(F) Signs: See the sign code in of this title.

(G) Additional Development Standards:

1. Form: Buildings that have a footprint of more than three thousand (3,000) square feet shall be designed to reduce their apparent mass using one or more of the following techniques:

a. Varying Height: Buildings may be "stepped back" in height from the setback line to reduce their apparent mass and visual competition with the canyon wall.

b. Varying Setback: The building line facing the canyon rim may be varied (i.e., different portions of the building would be different distances from the setback line).

c. Landscaping: Mass plantings and earthworks can be designed and sited to effectively break the apparent mass of a building.

2. Outdoor Sales And Storage: There shall be no outdoor sales or display areas in the canyon rims overlay district. All outdoor storage, including solid waste containers, shall be fully screened from public view by some combination of location on the site, fences or walls, and landscaped buffers. (Ord. 2526, 5-20-1996; Ord. 2851, 3-6-2006; Ord. 3005, 6-6-2011; Ord. 3082, 12-8-2014; Ord. 2022-017, 9-12-2022)

10-4-20: WPO, WELLHEAD PROTECTION OVERLAY DISTRICT:

10-4-20.1: SHORT TITLE AND PURPOSE:

(A) This section shall be known as the *WELLHEAD PROTECTION PLAN*.

(B) It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are to:

1. Protect human life and health;
2. Ensure that the public is provided with a sustainable, safe potable water supply;
3. Minimize expenditure of public money for pollution remediation projects;
4. Minimize regulations on land use; and
5. Minimize business interruptions. (Ord. 2526, 5-20-1996)

10-4-20.2: DEFINITIONS:

When used in this section the following words and phrases shall have the meanings given in this section:

AGRICULTURAL RUNOFF WASTEWATER: Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation.

COMMUNITY WATER SYSTEM: A public system which serves at least fifteen (15) service connections used by year round residents or regularly serves at least twenty five (25) year round residents.

COMMUNITY WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

FACILITY: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.

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

HAZARDOUS WASTE OR MATERIAL: Any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or,

(C) Any material or substance designated as a hazardous or toxic substance defined by part 40 chapter 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATION: As defined in the County Zoning Ordinance.

NONCOMMUNITY WATER SYSTEM: A public water system that is not a community water system.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. Such term includes: 1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and 2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system" as defined herein.

SANITARY LANDFILL: A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.

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

TIME OF TRAVEL DISTRICTS (TOT): The time required for a contaminant to move in the ground from a specific point to a well.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three (3) criteria:

- (A) It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and,
- (B) It is deeper than its largest straight-line surface dimension; and,
- (C) It is used for or intended to be used for injection.

WELLHEAD PROTECTION OVERLAY DISTRICT (WHO): A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:

- (A) Calculated fixed radius; or,
- (B) Arbitrary fixed radius; or,
- (C) Simplified variable shapes; or,
- (D) Semi-analytical, and analytical methods; or,
- (E) Hydrogeologic mapping; or,
- (F) Numerical modeling;

and follow the guidelines established in the Idaho Wellhead Protection Plan.

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

WELLHEAD PROTECTION OVERLAY DISTRICT Ib: A three (3) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT II: A six (6) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT III: A ten (10) year "time of travel district (TOT)" as defined in this Section.

10-4-20.3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT:

There is hereby established a Wellhead Protection Overlay District identified and described as all the area within the ten (10) year TOT district around public water supplies as shown on the Official Zoning Map. It is further established that these areas be composed of four (4) districts: "Wellhead Protection Overlay District Ia," "Wellhead Protection Overlay District Ib", "Wellhead Protection Overlay District II", and "Wellhead Protection Overlay District III", as they are defined in this Chapter. The City may record with the County Recorder's office a metes and bounds description of the Wellhead Protection Overlay District.

10-4-20.4: PROHIBITED USES WITHIN DISTRICT Ia OF THE WELLHEAD PROTECTION AREA:

Uses permitted within District Ia shall be limited to necessary public water supply wellhead equipment including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited.

10-4-20.5: PROHIBITED USES WITHIN DISTRICT Ib OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are hereby prohibited within District Ib of the Wellhead Protection areas:

- (A) Sanitary landfills.
- (B) Livestock confinement operations.
- (C) Hazardous waste disposal facility.
- (D) Injection wells except for the following:
 - 1. Closed systems.
- (E) All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water.
- (F) Existing sewer lines shall not be closer than one hundred feet (100') of a wellhead or of new sanitary systems and sewer lines shall not be closer than one hundred fifty feet (150') of a wellhead.

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

(H) Junk or salvage yards.

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

(J) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.6: PROHIBITED USES WITHIN DISTRICT II OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are prohibited within District II of the Wellhead Protection Overlay District:

(A) Sanitary landfills;

(B) Hazardous waste disposal facilities;

(C) Injection wells except for the following:

1. Deep well injection (below 18 feet in depth):

a. Geothermal heat;

b. Heat pump return;

c. Cooling water return.

2. Shallow well injection only (less than 18 feet in depth):

a. Storm runoff;

b. Agricultural runoff waste water;

c. Special drainage water;

d. Aquifer recharge;

e. Aquifer remediation;

f. Septic systems (general).

(D) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.7: PROHIBITED USES WITHIN DISTRICT III OF THE WELLHEAD PROTECTION OVERLAY DISTRICT:

The following uses or conditions shall be and are prohibited within District III of the Wellhead Protection Overlay District:

(A) Injection wells except for the following:

1. Deep well injection (below 18 feet in depth):

a. Geothermal heat;

b. Heat pump return;

c. Cooling water return.

2. Shallow well injection only (less than 18 feet in depth):

a. Storm runoff;

b. Agricultural runoff waste water;

c. Special drainage water;

d. Aquifer recharge;

e. Aquifer remediation;

f. Septic systems (general).

(B) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.8: NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:

Whenever there is a request which requires approval from the Planning and Zoning Commission for land lying within a Wellhead Protection District, written notice of the hearing shall be given to the entity operating the public or community water supply within that overlay district.

The Planning and Zoning Commission may require a granting of easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

10-4-20.9: NONCONFORMING USES:

Any legal use existing at the time of the adoption of this section and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in the zoning ordinance. (Ord. 2526, 5-20-1996)

10-4-20.10: ENFORCEMENT:

It shall be unlawful for any person, corporation, government entity or business to occupy or use the land within the area designated in the wellhead protection overlay district I, II, and III contrary to, or in violation of, any of the provisions of this section 10-4-20. (Ord. 2526, 5-20-1996)

10-4-20.11: AMENDMENTS:

Amendments will require approval from all of the counties and municipalities that this section 10-4-20 affects. (Ord. 2526, 5-20-1996)

10-4-21: NCO, NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT:**10-4-21.1: PURPOSE:**

This overlay district is intended to provide for limited commercial and service activities within residential zoning districts and serving the local neighborhood, and which are integrated into a residential setting. Development of this overlay is allowed only through the ZDA process. (Ord. 3082, 12-8-2014)

10-4-21.2: USE REGULATIONS:

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

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') above ground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Household units in upper floors of commercial or professional buildings.
4. Retail trade:
 - a. Bakery.
 - b. Bookstore.
 - c. Craft shop, in conjunction with retail business.
 - d. Eating places.
 - e. Florist shop.
 - f. Food, drugs, etc.
 - g. General merchandise.
 - h. Hardware store.
 - i. Hobby and toy store.
 - j. Ice cream store.
 - k. Import store.
 - l. Laundering and dry cleaning.
 - m. Laundromats.
 - n. Music store.
 - o. Pet shop.
 - p. Sporting goods store.
5. Services:
 - a. Beauty and barbershops.

- b. Copy center - self-service.
- c. Daycare services.
- d. Duplicating and stenographic offices.
- e. In-home daycare services.
- f. Photography studios.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999)

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

- 1. Communications And Utilities:
 - a. Utility-owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
- 3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Water treatment plants.
- 4. Medical Facilities:
 - a. Doctors' offices.
 - b. Hospitals and clinics.
 - c. Rehabilitation services.
- 5. Miscellaneous:
 - a. Any facility with drive-through service.
- 6. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
- 7. Public Assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - private, single purpose.
 - d. Schools - private, vocational and/or academic.
 - e. Schools - public.
 - f. Theaters - indoor.
- 8. Retail Trade:
 - a. Alcoholic beverages, when consumed on the premises where sold.
 - b. Apparel and accessories.
 - c. Car wash facilities.
 - d. Commercial greenhouses.
 - e. Farm and garden supplies.

- f. Gasoline service stations.
- g. Taxidermy studio. (Ord. 2526, 5-20-1996)

9. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Dog grooming and/or kennels.
- d. Employment agency.
- e. Finance and investment offices.
- f. Insurance and related business.
- g. Professional organizations.
- h. Professional services.
- i. Real estate and related business.
- j. Tattoo parlors or dermagraphic studios approved by the South Central District Health Department or other State regulatory agency.
- k. Welfare and charitable facilities. (Ord. 2550, 6-2-1997)

10. Sports Facilities:

- a. Indoor recreation facility.
- b. Miniature golf courses.
- c. Outdoor, public and commercial ice and roller skating facilities.
- d. Outdoor, public and commercial swimming pools.
- e. Outdoor, public and commercial tennis courts.

11. Transportation:

- a. Bus facilities, including pickup shelters.
- b. Taxicab office.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this Title is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

10-4-21.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the NCO District:

(A) District Size And Spacing: An NCO District shall not be less than five (5) acres nor more than twenty (20) acres. Only one overlay is allowed in each area generally described on the Comprehensive Plan Map as a Neighborhood Commercial Center.

(B) Lot Area:

1. Nonresidential uses shall provide a lot area of sufficient size to provide for the building, required setbacks, off-street parking and landscaping.

2. Residential uses shall provide the lot area required by the underlying residential zone.

(C) Lot Occupancy:

1. Nonresidential Uses: No requirement.

2. Residential Uses: Same as the underlying district.

(D) Building Height:

1. Nonresidential Uses: No building shall exceed twenty five feet (25') in height.

2. Residential Uses: Same as the underlying district.

(E) Yards:

1. Nonresidential uses: Same as the underlying district, except buildings exceeding three thousand (3,000) square feet shall have a yard of fifty feet (50') from the property line on street frontages.

2. Residential uses: Same as the underlying district.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on the subdivision plat.

(G) Landscaping:

1. Nonresidential uses shall have, as a minimum, twenty percent (20%) of the site landscaped.

a. Parking rows shall be separated by landscaping of at least five feet (5') in width for the entire length of the parking rows except for walkways.

b. Landscaping of thirty feet (30') in depth behind the sidewalk or property line should be provided surrounding the project. Such landscaping shall have fifty percent (50%) of the area bermed to a height of three feet (3').

2. Residential uses: Same as the underlying district.

(H) Off Street Parking:

1. All uses shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See the sign code in chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences And Landscaping: Same as the underlying district.

(K) Additional Requirements:

1. Nonresidential uses: The following additional requirements shall also be met:

a. All buildings shall be of a residential architectural style with gable or hip roof with a minimum three to twelve (3/12) pitch and twelve inch (12") eave.

b. Hours of store operation within the NCO district shall be between the hours of six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.

c. Single occupancy buildings not to exceed twenty five thousand (25,000) square feet.

d. No exterior display of merchandise/goods (or storage).

e. Totally enclosed refuse containers. (Ord. 2526, 5-20-1996)

f. Additional requirements as may be determined by the city council through the ZDA process. (Ord. 3082, 12-8-2014)

2. Residential uses: Same as the underlying district. (Ord. 2526, 5-20-1996)

10-4-22: WHO, WAREHOUSE HISTORIC OVERLAY DISTRICT:

10-4-22.1: PURPOSE:

This overlay district is intended to provide recognition and protection of the nationally registered Twin Falls historic warehouse district through the implementation of design guidelines for modifications, demolition or construction of buildings within the district. This overlay may be placed on the CB, OT, M1 or M2 zoning district. (Ord. 2608, 5-3-1999)

10-4-22.2: USE REGULATIONS:

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

1. Any use permitted in the basic district upon which the overlay is placed.

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

1. Any use allowed by special use permit in the basic district upon which the overlay is placed.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2608, 5-3-1999)

10-4-22.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the warehouse historic overlay district:

(A) Lot Area: The minimum lot size as required by the basic district upon which the overlay is placed.

(B) Lot Occupancy: Same as that of the basic district upon which the overlay is placed.

(C) Building Height: Same as that of the basic district upon which the overlay is placed.

(D) Yards:

1. Front yards: Same as that of the basic district upon which the overlay is placed.
2. Side yards: Same as that of the basic district upon which the overlay is placed.
3. Rear yards: Same as that of the basic district upon which the overlay is placed.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping: Same as that of the basic district upon which the overlay is placed or such additional or other landscaping as required by the historic preservation commission.

(G) Off Street Parking: Same as that of the basic district upon which the overlay is placed. (Ord. 2608, 5-3-1999)

(H) Design Guidelines: No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within this district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "Warehouse Historic District Design Guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 3025, 2-6-2012)

10-4-23: RB, RESIDENTIAL BUSINESS DISTRICT:

10-4-23.1: PURPOSE:

This zoning district is intended to allow conversion of residential structures located on arterial and collector roads in areas of transition to an appropriate mix of residential, light retail and service commercial uses that provide good transitions with nearby residential uses and neighborhoods. This zone allows existing residential uses to remain and be improved, while also allowing low scale, low intensity commercial and business operations to be developed as part of infill projects. Centralized water and sewer facilities are required.

Development in the residential business zoning district should:

- (A) Be low in scale and intensity,
- (B) Share design characteristics with nearby residential uses,
- (C) Provide a good neighborhood "fit", and
- (D) Exude a distinct residential character. (Ord. 2998, 1-3-2011)

10-4-23.2: USE REGULATIONS:

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

1. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Underground and aboveground transmission lines.
 - c. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
3. Governmental facilities:
 - a. Governmental office buildings.
4. Medical facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Doctors' offices.
 - c. Drug and alcohol treatment centers.
 - d. Rehabilitation services.
5. Parks:

- a. Open space.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds without crowd attracting facilities.

6. Public assembly:

- a. Funeral chapels.
- b. Religious facilities.
- c. Schools - private, single purpose.
- d. Schools - private vocational and/or academic.
- e. Schools - public.
- f. Wedding chapels and/or reception halls.

7. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Bed and breakfast facilities.
- c. Home occupations.
- d. Household units existing at the time this title was adopted.
- e. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
- f. Household units in upper floors of commercial or professional buildings.

8. Retail trade:

- a. Alcoholic beverages when consumed on premises where sold if located three hundred feet (300') or more from residential property.
- b. Antique shop.
- c. Apparel and accessories.
- d. Art galleries and frame shops.
- e. Automobile parts store.
- f. Bakery.
- g. Bookstore.
- h. Cottage businesses.
- i. Craft shop, in conjunction with retail business.
- j. Eating places.
- k. Fabric and pattern shop.
- l. Florist shop.
- m. Food, drugs, etc.
- n. General merchandise.
- o. Hardware store.
- p. Hobby and toy store.
- q. Home furnishings and appliances.
- r. Ice cream store.
- s. Import store.
- t. Laundering and dry cleaning.
- u. Laundromats.
- v. Music store.
- w. Pet shop.

x. Sporting goods store.

y. Taxidermy studio.

9. Services:

a. Advertising.

b. Apparel repair and alteration.

c. Beauty and barber shops.

d. Building care contracting offices.

e. Business associations.

f. Civic, social and fraternal organizations.

g. Construction trade offices.

h. Consumer credit collection offices.

i. Copy center - self-service.

j. Duplicating and stenographic offices.

k. Finance and investment offices.

l. Horticultural services.

m. In home daycare services.

n. Insurance and related business.

o. Labor unions and organizations.

p. Photography studios.

q. Professional organizations.

r. Professional services.

s. Real estate and related business.

t. Seamstress shop.

u. Tourist information center.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

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

1. Communications and utilities:

a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') above ground.

2. Governmental facilities:

a. Fire stations and police stations.

b. Water treatment plants.

3. Manufacturing:

a. Handcrafted furniture.

4. Medical facilities:

a. Ambulance service.

b. Animal hospital - small animals.

c. Prosthetics - sales, service and construction.

5. Miscellaneous:

a. Any facility with drive-through service.

b. Notwithstanding the foregoing, any such proposed use which broadcasts amplified music or sound by speakers

to the exterior of a building shall also require a special use permit.

6. Residential:

- a. Detached accessory buildings (more than 1,000 square feet), i.e., garages and other accessory buildings.
- b. Nursing homes and rest homes.
- c. Shelter homes.

7. Retail trade:

- a. Alcoholic beverages when consumed on premises where sold if located less than three hundred feet (300') from residential property.
- b. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

8. Services:

- a. Commercial childcare facilities and preschools.
- b. Daycare services.
- c. Dog grooming and/or kennels.
- d. Employment agency.
- e. Publishing and printing business.
- f. Testing laboratories.
- g. Welfare and charitable facilities.

9. Sports facilities:

- a. Indoor recreation facility.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2998, 1-3-2011)

10-4-23.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the residential business district:

(A) Lot Area:

1. The lot size shall be of sufficient size to provide for the building, off street parking, stormwater retention and landscaping.

(B) Lot Occupancy:

1. No building shall occupy more than sixty percent (60%) of a lot.

(C) Building Height: No building shall exceed two (2) stories and shall not exceed thirty five feet (35') in total height.

(D) Building Size:

1. No building shall have a total floor area square footage of greater than six thousand (6,000) square feet.

(E) Yards:

1. Front Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:
 - a. No structure shall be closer than fifteen feet (15') to the front property line for nonresidential uses.
2. Side Yards:
 - a. No structure shall be closer than five feet (5') to the side property line (minimum of 10 feet between any structure/building) for nonresidential uses.
3. Rear Yards:
 - a. For nonresidential uses, the rear yard may be reduced to the side yard setback of five feet (5').

(F) Access:

1. Only One Access Allowed Per Lot: Upon redevelopment of an existing property, if more than one access exists it will be coordinated with the city engineer which access(es) shall be eliminated. Adjoining properties should have joint accesses whenever possible.
2. Driveway Access: No driveway with access to more than two (2) parking spaces will open onto the side street for access or ingress to the properties containing the nonresidential uses, nor can any additional curb cuts be made on the side

street curbs. However, if a driveway presently exists that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places.

3. Modifications: When an existing residential structure is converted to a nonresidential use, the driveway requirements above may be modified by the administrator if it can be shown that strict compliance to these development standards is not possible.

(G) Landscaping: Landscaping shall conform to the following standards, or sections 10-7-10 and/or 10-7-12 of this title, whichever is greater:

1. Twenty percent (20%) of each property shall be maintained in landscaping.

2. New development shall encourage planter boxes, barrel planters, and other landscaping in parking areas to reduce the visual impact of parking lots from the road.

(H) Off Street Parking:

1. Any use that has a parking requirement, as determined by section 10-10-6 of this title, in excess of twenty four (24) spaces is prohibited.

2. Off street parking shall conform to the requirements contained in section 10-10-3 of this title. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the planning and zoning commission if it can be shown that strict compliance to these development standards is not possible. Before the parking requirements may be modified, the planning and zoning commission shall hold a public hearing, publish notice, post the property and give written notice to all parties, as required for variance permits.

(I) Signs:

1. Shall comply with chapter 9, "Sign Regulations", of this title. Multiple occupancy buildings shall have a sign plan approved by the administrator.

(J) Walls, Fences And Hedges:

1. Nonresidential Use: Any nonresidential use shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the nonresidential use and any contiguous residential lot or use.

2. Minimum Standards:

a. Screening shall be a minimum six foot (6') fence or wall or a landscaped area or any combination thereof. If it be a fence or wall it shall be constructed of wood, solid vinyl, metal (not chainlink), concrete or concrete block. If it be a landscaped area, it shall be evergreen bushes or trees and may include an earthen berm.

b. Whenever bushes or trees are used as screening, the screening height may not be less than three feet (3') at the time of planting, providing a minimum height of six feet (6') is achieved within five (5) years after planting.

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

(K) Building Design Standards:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform to the general residential nature of the neighborhood, consistent with the existing architectural style and design. Where possible, existing residences located in the residential business zoning district should be preserved in their present form and use. Where this is not feasible, individual residences should be allowed to convert into residential business developments. In cases where existing structures and site conditions are prohibitive for conversion, two (2) or more existing lots may be assembled and developed as residential business uses, thereby consolidating site access and creating a more rational parking layout. Once a particular property has been converted to a residential business use, it shall not be allowed to revert to a residential use.

2. Roofs: Roofs are required to be pitched, with a minimum pitch of four to twelve (4:12), and residential in nature.

3. Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces.

4. Commercial Buildings: Commercial buildings on street frontages shall have functional entrances that face the street and have between ten percent (10%) and forty percent (40%) of the facade as windows. Windows shall be nonreflective glass. (Ord. 3073, 8-24-2015)

CHAPTER 5

ZONING SUBDISTRICTS, MAP

SECTION:

10-5-1: Designation Of Zoning Subdistricts

10-5-2: Zoning Subdistrict Map

10-5-3: Conformance With Zoning Subdistricts

10-5-1: DESIGNATION OF ZONING SUBDISTRICTS:

There are hereby established the following zoning subdistricts for the city:

<u>Zoning Subdistrict</u>	Short Title
Zoning development agreement	ZDA
Mobile home park	MHP
Mobile home subdivision	MHS

In designating a zoning subdistrict a prefix is added which corresponds to one of the basic zoning district regulations. (Ord. 3082, 12-8-2014)

10-5-2: ZONING SUBDISTRICT MAP:

In addition to showing the boundaries of all basic zoning subdistricts on the "official zoning map", there shall also be established a map of all basic zoning subdistricts which is designated "development map" which, together with the ordinance creating the basic zoning subdistrict, shall be on file in the office of the city clerk. The ordinance and map together with all notations, references and other information shown thereon shall establish the conditions and requirements under which the basic zoning subdistrict designation was granted and when adopted according to law shall become effective and by reference shall become a part of this title. The number of the ordinance creating the basic zoning subdistrict shall be clearly shown on the "official zoning map", "development map" and any other official document relating to a particular zoning subdistrict.

The ordinance and map may encompass one or more zoning districts and one or more basic zoning subdistricts together with any appurtenant secondary zoning districts all within one particular zoning district whenever it can be shown to the satisfaction of the council that the mixture of zoning districts and subdistricts is compatible with the intent of the zoning subdistrict provisions and forms a homogeneous unit. (Ord. 2012, 7-6-1981)

10-5-3: CONFORMANCE WITH ZONING SUBDISTRICTS:

(A) Any land located within a zoning subdistrict designated on the "official zoning map" shall only be used or occupied and any building, structure or improvement thereon shall only be used, occupied, placed, replaced, erected, reerected, constructed, reconstructed, altered, extended, enlarged, modified, removed or moved as this title permits for the zoning subdistrict in which the same is located and as shown on the development map established by the creation of the zoning subdistrict in which the same is located.

(B) No use, dimensional requirement, sign, off street parking area, improvement or other condition or requirement shown on a development map shall be changed or modified or left uncompleted except as herein provided. (Ord. 2012, 7-6-1981)

CHAPTER 6

ZONING SUBDISTRICT REGULATIONS

SECTION:

10-6-1: ZDA, Zoning Development Agreement

10-6-1.1: Purpose

10-6-1.2: Underlying Zoning District

10-6-1.3: Use Regulations

10-6-1.4: ZDA Standards

10-6-1.5: ZDA Conceptual Development Plan

10-6-1.6: Conformance To The Conceptual Development Plan

10-6-1.7: Procedure

10-6-2: MHP, Mobile Home Park Subdistrict

10-6-2.1: Purpose

10-6-2.2: Overlay Districts

10-6-2.3: Use Regulations

10-6-2.4: Property Development Standards

10-6-3: Business Park ZDA

10-6-1: ZDA, ZONING DEVELOPMENT AGREEMENT:

10-6-1.1: PURPOSE:

A zoning development agreement (ZDA) is designed to accommodate appropriate combinations of uses that may be planned, developed, and operated as integral land use units either by a single owner or a combination of owners. A ZDA is intended to accomplish some, or all of the following:

- (A) Foster and promote a variety of appropriate land use combinations in a preplanned development pattern;
- (B) Encourage developers to use a creative approach in land development;
- (C) Retain and conserve natural land and topographic features;
- (D) Promote greater use of streetscape and pedestrian oriented aesthetics;
- (E) Promote the creation and efficient use of open spaces;
- (F) Create flexibility and variety in the location of improvements on lots;
- (G) Provide flexibility in development standards to facilitate creative land development concepts. (Ord. 3082, 12-8-2014)

10-6-1.2: UNDERLYING ZONING DISTRICT:

Each ZDA shall accompany a request to rezone a subject property to one or more underlying zoning districts that shall comply with the comprehensive plan. (Ord. 3082, 12-8-2014)

10-6-1.3: USE REGULATIONS:

Land uses in a ZDA shall conform to the standards and regulations of the underlying zoning district(s), unless otherwise approved and included within the ZDA. (Ord. 3082, 12-8-2014)

10-6-1.4: ZDA STANDARDS:

The following property development standards shall apply to all land and buildings in a ZDA:

(A) Development requirements for each ZDA shall be set forth in the written commitment document and shall include, but not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, multiuse transportation access and pathways, screening, landscaping, architectural standards, project phasing or scheduling, management associations, and other requirements as the planning and zoning commission and/or the city council may deem appropriate.

(B) The ZDA shall conform to all sections of this title unless specifically addressed in the written commitment document. All applications to the city shall list all requested variations from the standard requirements. Applications without this list shall be considered incomplete.

(C) A ZDA subject parcel shall be a minimum of two (2) acres unless the planning and zoning commission recommends and the city council finds that property of less than two (2) acres is suitable as a ZDA by virtue of:

1. Unique character; or
2. Infill development; or
3. Topography or landscaping features; or
4. Qualifying as an isolated problem area. (Ord. 3082, 12-8-2014)

10-6-1.5: ZDA CONCEPTUAL DEVELOPMENT PLAN:

A ZDA shall include a conceptual development plan that illustrates the standards contained therein. This plan shall be submitted by the applicant at the time the zoning and ZDA request is submitted. The plan shall show the applicant's intent for the use(s) of the land within the proposed ZDA in a visual manner and be supported by written documentation of proposals and standards for development. Dependent on the nature of the ZDA request, this plan may be submitted as a residential plan, nonresidential plan, or a mixed use combination plan. For a mixed use development, the plan shall comply with requirements for both the residential and nonresidential plans.

(A) Residential Conceptual Development Plan: A conceptual development plan for residential land use shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The plan shall include, but is not limited to, the proposed general land use, streets, thoroughfares, storm drainage, and preliminary lot arrangements. The applicant shall submit text material to further explain the characteristics of the plan, which may include, but shall be not limited to, multiuse transportation access and pathways, density, building height, screening, landscaped areas, project scheduling, parks and open space, and other pertinent development data. The applicant shall also submit color renderings or elevations to illustrate proposed architectural standards or requirements.

(B) Nonresidential Conceptual Development Plan: A conceptual development plan for nonresidential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The applicant shall also submit text material to further explain the characteristics of the plan. The plan and text material shall include, but is not limited to, the types of use(s), topography and boundary of ZDA subject parcel, the size, type and location of buildings and building sites, proposed ingress and egress, physical features of the site, existing streets, stormwater management, alleys and easements, location of future public facilities, multiuse transportation access and pathways, building height and location, parking, landscaping, screening, project scheduling and other information to adequately describe the proposed development and to provide data for approval that is to be used in preparing the final development plan(s). The applicant shall also submit color renderings or elevations to illustrate proposed architectural standards or requirements. (Ord. 3082, 12-8-2014)

10-6-1.6: CONFORMANCE TO THE CONCEPTUAL DEVELOPMENT PLAN:

Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved conceptual development plan. Details on the final development plan(s) with minor variations from the conceptual development plan may be approved by the administrator, or designated city official without public hearing. If it is determined that a proposed change(s) constitutes a departure from the conceptual development plan and/or the development standards, the ZDA written commitment document shall be adequately amended using the initial approval process contained herein. Changes to any of the following items constitute a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:

- (A) The permitted uses,
- (B) Increase in density,
- (C) Increase in building height,
- (D) Increase in building coverage of the site,
- (E) Reduction in the off street parking ratio,
- (F) Reducing the building setbacks provided at the boundary of the site,
- (G) Reduction of any open space plans, or
- (H) Alteration of the overall design theme, primary architectural elements, or building materials. (Ord. 3082, 12-8-2014)

10-6-1.7: PROCEDURE:

(A) Any applicant requesting approval of a ZDA shall schedule a presubmittal meeting with the administrator, or his/her designee.

(B) The procedure for establishing a ZDA shall follow the procedure for zoning map amendments as set forth in chapter 14 of this title with the following addition: The planning and zoning commission shall complete a preliminary review of the proposed conceptual development plan at a meeting prior to the public hearing for a zoning district and zoning map amendment.

(C) Each ZDA written commitment document shall be signed and notarized by the property owner(s) and shall include the following:

1. A legal description of the ZDA subject parcel boundary, including legal descriptions of each underlying zoning district, if multiple underlying districts are included.

2. A statement as to the purpose and intent of the ZDA.
3. A list of the ZDA development requirements that vary from the standard development requirements of the underlying zoning district.
4. A color conceptual development plan.
5. An expected development schedule. If no development has occurred on the ZDA subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:
 - a. The city may initiate a process to change the zoning classification, or
 - b. New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for any portion of the ZDA subject parcel.
6. A statement, signed by the property owner(s) and notarized, indicating a commitment to develop the subject parcel in conformance with the ZDA.

(D) The city council shall not adopt an ordinance rezoning the subject parcel until the property owner/developer has submitted a complete and signed ZDA written commitment document. The signed ZDA written commitment document shall be attached as an exhibit to the rezoning ordinance and recorded in the office of the county recorder.

(E) Approval of a ZDA shall be based on the following standards:

1. The proposed uses shall not be detrimental to any surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public.
2. Any variation from the underlying zoning district development requirements must be warranted by the design and amenities incorporated in the conceptual development plan.
3. The underlying zoning district and the conceptual development plan shall conform to the comprehensive plan.
4. Existing and/or proposed streets and utility services must be suitable and adequate for the proposed development. (Ord. 3082, 12-8-2014)

10-6-2: MHP, MOBILE HOME PARK SUBDISTRICT:

10-6-2.1: PURPOSE:

This subdistrict is intended to provide for placement of individually owned mobile homes on real property under a single ownership. (Ord. 2012, 7-6-1981; amd. Ord. 2110, 7-16-1984)

10-6-2.2: OVERLAY DISTRICTS:

An MHP subdistrict may overlay R4, R6 and R6 MHO zoning districts. (Ord. 2012, 7-6-1981; amd. Ord. 2110, 7-16-1984)

10-6-2.3: USE REGULATIONS:

(A) Permitted Uses:

1. Residential:
 - a. Permanent mobile homes.
 - b. Accessory buildings, personal swimming pools and other accessory uses.
2. Private parks and playgrounds.
3. Other uses as allowed by the commission and council to service only the mobile home park. (Ord. 2012, 7-6-1981; amd. Ord. 2110, 7-16-1984)

10-6-2.4: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all lands and buildings in mobile home park subdistricts:

(A) Project Size: The minimum project size shall be five (5) acres.

(B) Density Per Acre: The density per acre of a mobile home park subdistrict shall be in substantial conformity with that of the underlying zoning district. Buildings may be clustered and individual lot sizes may be reduced below the requirements of the underlying zoning district, provided the total number of dwelling units shall not exceed the number permitted in the underlying district per acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots shall be set aside for parks and playgrounds.

(C) Building Height: The building height of a mobile home park subdistrict shall not exceed that of the underlying zoning district.

(D) Yards:

1. Along the periphery of a mobile home park subdistrict a twenty five foot (25') landscaped strip shall be provided and a minimum six foot (6') high screening fence shall be required within the twenty five foot (25') strip except along street frontages.

2. Spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this title on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys.

3. All buildings shall have a trafficway set back from centerline of forty five feet (45') on a public street and twenty five feet (25') on a private street.

4. Accessory structure envelopes shall be shown on the site plan of projects approved after the date of approval of this amendment. Projects approved prior to the adoption of this amendment may have accessory structures placed so as to meet setback requirements of this section, but such structures shall not be placed in the front yard nor in the twenty five foot (25') landscaped buffer around the perimeter of the project. (Ord. 2124, 10-15-1984)

(E) Approval Of An MHP Subdistrict:

1. Preliminary Development Plan: The petitioner for a mobile home park subdistrict may, after preapplication conferences with the planning staff, submit a preliminary development plan to the commission for review, which development plan shall include the following:

- a. The proposed site plan, showing building locations and land use areas;
- b. Proposed traffic circulation, parking areas, pedestrian walks and landscaping;
- c. Proposed construction sequence for buildings, streets, spaces and landscaped areas;
- d. Existing zoning district boundaries;

e. A survey of the property, including topography, buildings, watercourses, trees over six inches (6") in trunk diameter, streets, utility easements, drainage patterns, right of way and land use;

f. Other requirements that the planning department, planning commission, or legislative body may request.

2. Public Hearing: After commission review, a public hearing shall be held before the commission and council for a zoning district and zoning map amendment.

3. Final Development Plan: Within one year after approval of the preliminary development plan, the petitioner shall submit to the planning commission a final development plan. This plan shall include the following information:

a. A survey of the property, including topography, buildings, watercourses, trees over six inches (6") in trunk diameter, streets, utility easements, drainage patterns, right of way and land use;

b. A site plan showing proposed building locations, open spaces and land use area;

c. Traffic circulation, parking areas and pedestrian walks;

d. Landscaping plans;

e. Land indicated as open space, streets and sidewalks and the plan shall provide that they be permanently maintained as such either by private covenants attached to and made a part of the plan, or, if suitable and mutually agreeable, by public dedication. In the event the open space is to be maintained through private covenants, the planning commission shall require, prior to the approval of any final plat, the establishment of a homeowners' association, and either:

(1) Specific performance of the open space portion of the proposed plan, or

(2) Posting a bond sufficient to assure specific performance.

f. Such final development plan shall be in general conformance with the approved preliminary development plan.

g. Final approval shall be binding on the development and changes from the final plan shall be subject to approval by the planning commission and legislative body.

h. The applicant may request extension of the time limit not later than thirty (30) days prior to the expiration of the base year limit. (Ord. 2741, 11-4-2002)

4. Findings Required: The planning commission shall recommend to the council approval, approval with modifications, or disapproval of the final development plan. Upon approval, the plan shall constitute the zoning requirements and subdivision plat for the land in the zoning development agreement subdistricts.

5. Approval: Approval of a zoning development agreement subdistrict shall be based on the following standards: (Ord. 3082, 12-8-2014)

a. The proposed uses shall not be detrimental to present any potential surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public. (Ord. 2741, 11-4-2002)

b. The density of the zoning development agreement shall be in substantial conformity with the density of surrounding zoning districts. (Ord. 3082, 12-8-2014)

c. Any variation from the basic zoning district requirements must be warranted by the design and amenities incorporated in the final development plan.

d. The final development plan must be in conformance with the comprehensive land use plan.

e. Existing and proposed streets and utility services must be suitable and adequate for the proposed development.

f. The execution of an MHP agreement signed by the developer and the city which delineates commitments of the developer to the city and of the city to the developer. (Ord. 2741, 11-4-2002)

10-6-3: BUSINESS PARK ZDA:

A "business park", as defined herein, may be established through the ZDA process, with the following development requirements: (Ord. 3082, 12-8-2014)

(A) All manufacturing activity shall take place inside an enclosed building.

(B) No outside storage of any product, material, or vehicles used in the loading, unloading or transportation of manufactured goods.

(C) No fumes, odors, noise or vibrations shall be allowed at the perimeter of the business park that are above typical residential background levels that are detectable from the outside of the building. (Ord. 2786, 6-1-2004)

(D) Landscaping equal to ten percent (10%) of the site shall be provided with a master landscape plan approved through the ZDA process. Parking lots of more than twenty five (25) vehicles shall have landscaped islands within the parking lot breaking up large asphalt areas. A thirty five foot (35') wide landscaped buffer with berming at least four feet (4') high shall be required on any street fronting any residential property.

(E) A master sign plan shall be approved as part of the ZDA.

(F) Architectural standards shall be approved through the ZDA process for buildings within the business park. (Ord. 3082, 12-8-2014)

(G) The business park shall be located adjacent to major arterial and collector streets, with no direct access to local residential streets.

(H) There shall be a one hundred foot (100') building setback and a thirty five foot (35') parking lot setback from any street fronting a residential subdivision or adjacent to residential property or a residential zoning district. Buildings approved over thirty five feet (35') in height shall have four feet (4') additional setback for each foot of additional height over thirty five feet (35'). No building will exceed fifty feet (50') in height without a special use permit.

(I) The business park shall include a mixture of manufacturing and commercial uses.

(J) The business park shall be designed to encourage pedestrian and bicycle usage if located within one-half ($\frac{1}{2}$) mile of residential subdivisions.

(K) No hazardous materials exceeding the exempt quantities as provided by the international building code and international fire code shall be manufactured or warehoused in the business park. Only hazardous materials used in the manufacturing process are allowed. (Ord. 2786, 6-1-2004)

CHAPTER 7

ZONING SUPPLEMENTARY REGULATIONS

SECTION:

10-7-1: Effect Of Supplementary Regulations

10-7-2: Sale Or Lease Of Required Space

10-7-3: Additional Height In CB, C1, OT, M1 And M2 Zoning Districts And Subdistricts

10-7-4: Canyon Rim Setback (Rep. by Ord. 2466, 2-6-1995)

10-7-5: Detached Accessory Building Setbacks In Residential Zoning Districts And Subdistricts

10-7-6: Front Yard Setbacks

10-7-7: Swimming Pools (Rep. by Ord. 2288, 10-2-1989)

10-7-8: Separate Ownership Of Units In Duplexes

10-7-9: Filling Of Canyons

10-7-10: Special Landscaping Requirements For Properties Fronting The College Of Southern Idaho (CSI) Property

10-7-11: Adult Entertainment Businesses

10-7-12: Special Landscaping Requirements For Gateway Arterials

10-7-13: Vehicle Stacking Requirements For Drive-Through Facilities (Rep. by Ord. 2016-7, 4-18-2016)

10-7-14: Outside Storage And Display

10-7-15: Placement Of Satellite Dishes

10-7-16: Recreational Vehicles On Residential Lots

10-7-17: Wireless Communications Facilities

10-7-18: Commercial Painting

10-7-19: City Services

10-7-20: Public Hearings Notice Requirements

10-7-21: Sport Shooting Range - Indoor

10-7-1: EFFECT OF SUPPLEMENTARY REGULATIONS:

The regulations herein set forth qualify or supplement the regulations within zoning districts and subdistricts appearing elsewhere in this title. (Ord. 2045, 7-6-1982)

10-7-2: SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the width, yard, area, coverage parking or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2045, 7-6-1982)

10-7-3: ADDITIONAL HEIGHT IN CB, C1, OT, M1 AND M2 ZONING DISTRICTS AND SUBDISTRICTS:

The council may allow greater than standard building heights with or without extra setback requirements, in the CB, C1, OT, M1 and M2 zoning districts and subdistricts. A request for additional height shall follow the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of this title. (Ord. 3077, 8-11-2014)

10-7-4: CANYON RIM SETBACK:

(Rep. by Ord. 2466, 2-6-1995)

10-7-5: DETACHED ACCESSORY BUILDING SETBACKS IN RESIDENTIAL ZONING DISTRICTS AND SUBDISTRICTS:

Detached accessory buildings may be built on the side or rear property line, provided all of the following conditions are met:

- (A) Written permission of adjacent property owner is obtained.
- (B) Firewalls as required by the building code are constructed.
- (C) There is no water runoff from building onto adjacent property.
- (D) The accessory building is not located closer than ten feet (10') to a main building.
- (E) There is no architectural projection beyond the property line. (Ord. 2045, 7-6-1982)

10-7-6: FRONT YARD SETBACKS:

Front yard building setbacks shall be as designated in either of the subsections below, whichever is greater: (Ord. 2620, 8-2-1999)

(A) Arterials And Collectors: Setbacks from street centerline for arterials and collectors are as follows: (Ord. 2662, 8-7-2000)

Street	Limits	Front Yard Setback
Street	Limits	Front Yard Setback
2700 East	3600 North to 4200 North	80 feet
2750 East	Entire length	62 feet
2850 East	North College Road to Pole Line Road	62 feet
2875 East	4150 North to 4200 North	52 feet
3200 East	3600 to Falls Avenue	93 feet
3200 East	Falls Avenue to end	62 feet
3300 East	Entire length	80 feet
3400 North	2600 East to Eastland Drive South	80 feet
3600 North	2700 East to 3200 East	93 feet
3600 North	3200 East to 3300 East	80 feet
4150 North	2700 East to Washington North	62 feet
4200 North	2700 East to 2850 East	62 feet
4th Avenue East	Blue Lakes Boulevard to 3200 East	52 feet
4th Avenue East, North	All townsite except CB zone	62 feet
4th Avenue West	Blake to Washington	52 feet
6th Avenue East, North	All townsite except CB zone	62 feet
6th Avenue West	Washington to Shoshone	52 feet
9th Avenue East	Blue Lakes Boulevard to 3200 East	52 feet
9th Avenue East	Townsite	62 feet
Addison Avenue	Washington to Eastland	80 feet
Addison Avenue East	Eastland to 3300 East	93 feet
Addison Avenue West	2700 East to Washington	93 feet
Blake Street	4th Avenue West to Filer Avenue	62 feet
Blue Lakes Boulevard	Kimberly Road to Pole Line Road	80 feet
Blue Lakes Boulevard North	Pole Line Road to Perrine Bridge	93 feet
Blue Lakes Boulevard South	3300 North to Kimberly Road	93 feet
Bridgeview Boulevard	Blue Lakes Boulevard North to Pole Line Road East	52 feet
Bridgeview Boulevard	Pole Line Road East to Locust Street North	62 feet
Candleridge Drive	Entire length	62 feet
Canyon Rim Road	2850 East to 4150 North	52 feet
Carriage Lane	Entire length	62 feet
Caswell Avenue	Entire length	52 feet
Cheney Drive	Entire length	62 feet
Clearwater Way	Entire length	52 feet
Eastland Drive North	3600 North to Falls Avenue	80 feet
Eastland Drive North	Falls Avenue to Pole Line Road	93 feet
El Camino Avenue	Entire length	52 feet
Eldridge Avenue	Entire length	62 feet
Elizabeth Boulevard	Locust Street to 3300 East	62 feet
Falls Avenue	Grandview to Eastland	80 feet
Falls Avenue East	3200 East to 3300 East	80 feet
Falls Avenue East	Eastland to 3200 East	93 feet

Falls Avenue West	2700 East to Grandview	62 feet
Federation Road	Entire length	62 feet
Filer Avenue	Entire length	62 feet
Fillmore Street	Addison Avenue to Caswell Avenue	52 feet
Fillmore Street	Caswell Avenue to Blue Lakes Boulevard North	62 feet
Grandview (2800 East)	3500 North to 4200 North	80 feet
Harrison Street	Entire length	62 feet
Heyburn Avenue	Entire length	52 feet
Highland Avenue	Entire length	62 feet
Hillcrest Road/ Pheasant Road	Entire length	62 feet
Kimberly Road	Blue Lakes Boulevard to Eastland	80 feet
Kimberly Road	Eastland to 3300 East	93 feet
Locust Street	Entire length	62 feet
Madrona Street	Entire length	62 feet
Martin Street	Entire length	62 feet
Maurice Street	Entire length	52 feet
Meadowview Lane	Entire length	62 feet
Minidoka Avenue	2nd Avenue South to Blue Lakes Boulevard	62 feet
Minidoka Avenue	Shoshone Street to 2nd Avenue South	52 feet
Monroe Street	Entire length	52 feet
Mountain View Drive	Entire length	52 feet
North College Road	Entire length	62 feet
Orchard Drive	2700 East to 3300 East	80 feet
Osterloh Avenue	Entire length	52 feet
Park Avenue	Entire length	80 feet
Pheasant Road	Entire length	62 feet
Pole Line Road (4100 North)	2700 East to Eastland	93 feet
Ridgeway Drive	Entire length	52 feet
Rose Street	North College Road to 4200 North	62 feet
Rose Street	South Park Avenue West to Victory Avenue	62 feet
South Park Avenue West	2700 East to Washington	80 feet
Southwood Avenue	Entire length	52 feet
Sparks Street	Entire length	62 feet
Stadium Boulevard	Entire length	52 feet
Sunrise Boulevard	Entire length	52 feet
Victory Avenue	Entire length	62 feet
Washington Street and Washington Street North	6th Avenue West to 4150 North	80 feet
Washington Street South	3600 North to South Park Avenue West	93 feet
Washington Street South	Airport to 3600 North	80 feet
Welch Lane	Entire length	62 feet
Wendell Street	Entire length	62 feet

(B) Area Of Impact: All front yard setbacks on roads, streets and highways designated on the current Twin Falls highway district "highway designation map" shall conform to the setbacks required by that map. (Ord. 2620, 8-2-1999)

(C) Access Restricted Developments: Residential developments which have a front, rear, or side yard adjacent to an arterial or collector street, and having no access to that street may have the above listed setback reduced from ninety three feet (93') to eighty three feet (83') or from eighty feet (80') to sixty five feet (65'), for arterial streets, and from sixty two feet (62') to fifty two feet (52'), for collector streets. Any residential development with a reduced setback, as provided herein, shall be prohibited direct access to the arterial or collector street. (Ord. 2686, 4-2-2001)

10-7-7: SWIMMING POOLS:
(Rep. by Ord. 2288, 10-2-1989)

10-7-8: SEPARATE OWNERSHIP OF UNITS IN DUPLEXES:
Duplexes may have the separate units sold to different owners under the following procedure: (Ord. 2045, 7-6-1982)

(A) An application for duplex split to be made with the administrator on a form provided by the administrator.

The administrator shall allow a duplex split upon receiving evidence that the following conditions have been met:

1. Each unit shall have a lot area not less than the following:

R1-VAR: The minimum lot area shall be eight thousand (8,000) square feet.

R2: The minimum lot area shall be five thousand five hundred (5,500) square feet.

R4: The minimum lot area shall be four thousand (4,000) square feet.

R6: The minimum lot area shall be four thousand (4,000) square feet. (Ord. 2550, 6-2-1997)

2. Firewalls as required by the building code and the city inspection department have been provided between the units.

3. Separate sewer and water facilities are provided to each unit.

4. Two (2) off street parking spaces are provided for each unit. (Ord. 2012, 7-6-1981)

10-7-9: FILLING OF CANYONS:

Filling of canyons is prohibited and a special use permit shall be required for filling within one hundred feet (100') of canyon rims. Minor filling may be allowed by the administrator for cosmetic purposes. (Ord. 2550, 6-2-1997)

10-7-10: SPECIAL LANDSCAPING REQUIREMENTS FOR PROPERTIES FRONTING THE COLLEGE OF SOUTHERN IDAHO (CSI) PROPERTY:

In addition to the other landscaping requirements of this title, the following landscaping shall be provided on all properties fronting CSI property on Washington Street North, North College Road, and Falls Avenue except properties containing single and duplex household dwellings:

A berm of at least three feet (3') in height and twelve feet (12') in width shall be provided immediately behind the sidewalk or future sidewalk. The berm shall be planted in grass with a minimum of one conifer tree per three hundred (300) square feet of berm area and a minimum of one deciduous shrub per three hundred (300) square feet. Trees and shrubs may be grouped, but there shall be no open space greater than fifty feet (50') between tree and shrub groupings. (Ord. 2620, 8-2-1999)

10-7-11: ADULT ENTERTAINMENT BUSINESSES:

(A) Intent And Purpose: In the development and adoption of this section, it is recognized that there are some adult business uses which, due to their very nature, have serious, objectionable, operational characteristics, particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable, operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools, restaurants, movie theaters and residential areas.

This section is not intended and should not be construed to create a contemporary community standard nor to allow the sale, loan, distribution, dissemination, presentation or exhibition of material or live conduct which is obscene or which is in violation of any other law, nor to permit the creation or maintenance of any moral nuisance. (Ord. 2238, 6-20-1988)

(B) Definitions:

ADULT BOOKSTORE: An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances

by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

ADULT DRIVE-IN THEATER: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT ENTERTAINMENT BUSINESS: An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult service establishment.

ADULT LIVE ENTERTAINMENT ARCADE: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or both a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTEL: A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE: Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT SERVICE ESTABLISHMENT: Any building, premises, or structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

ENLARGEMENT: An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

ESTABLISHING AN ADULT ENTERTAINMENT BUSINESS: Shall mean and include any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
3. The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or
4. The relocation of any such business.

RECONSTRUCTION: The rebuilding or restoration of any nonconforming adult use which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God if the damage or destruction exceeds two-thirds ($\frac{2}{3}$) of the value of the structure or the facilities affected.

RESIDENTIAL ZONING DISTRICT: SUI, R1-8,000, R2, R4, R6 and AG zoning districts, or any subdistricts or overlays thereof.

RESUMPTION: The reuse or reoccupation of a nonconforming adult use which has been discontinued for a period of six (6) or more consecutive months.

SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITIES OR DISPLAY OF SPECIFIED ANATOMICAL AREAS: As used in the definition of "adult service establishment" herein, shall mean and include any combination of two (2) or more of the following activities:

1. The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
2. The presentation of films, motion pictures, videocassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
3. The operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
4. Live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
5. The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio.

SPECIFIED ANATOMICAL AREAS: Shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Shall mean and include any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in 1 through 6 of this definition.

STRUCTURAL ALTERATION: Any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered. (Ord. 2238, 6-20-1988; amd. Ord. 2275, 7-17-1989; Ord. 2796, 6-14-2004)

(C) Prohibitions: The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business shall be prohibited if such business is within five hundred feet (500') of any other such business, within two thousand five hundred feet (2,500') of any existing church, school, restaurant or movie theater or within five hundred feet (500') of any existing open space zoning district or residential zoning district within the city or the area of city impact. (Ord. 2238, 6-20-1988)

Provided, further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C1 (commercial highway), M1 (light manufacturing), or M2 (heavy manufacturing) zoning district. (Ord. 2238, 6-20-1988; amd. Ord. 2526, 5-20-1996)

(D) Measurement Of Distances: The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, school, restaurant, movie theater, open space or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall to the adult entertainment business to the nearest property line of the church, school, restaurant, movie theater, open space or residential zoning district.

(E) Exterior Display:

1. Visibility: No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

2. Number Of Signs: Not more than one business wall sign shall be permitted for an adult entertainment business and said sign shall be permitted only on the front facade. Such requirements shall include direct access to a public street from

that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.

3. Sign Surface Area: The sign surface area of a business wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first 10 feet) of the premises occupied by the adult entertainment business, or thirty two (32) square feet, whichever is the lesser.

4. Lighting: Signs may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

(F) Other Laws: This section shall not be construed:

1. To establish a contemporary community standard as a defense to the violation of any other law;
2. To allow the sale, loan, distribution, dissemination, presentation or exhibition of material or live conduct which is obscene or which is in violation of any other law; or
3. To permit the creation or maintenance of any moral nuisance.

(G) Severability: If any provision or clause of this section or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause or application, and to this end the provisions and clauses of this section are declared to be severable. (Ord. 2238, 6-20-1988)

10-7-12: SPECIAL LANDSCAPING REQUIREMENTS FOR GATEWAY ARTERIALS:

(A) Gateway Arterials: Gateway arterials include the following streets: Addison Avenue, Addison Avenue East, Addison Avenue West, Blue Lakes Boulevard, Blue Lakes Boulevard North, Blue Lakes Boulevard South, Kimberly Road, Washington Street from Addison Avenue to Second Avenue West, Washington Street North, Washington Street South, Pole Line Road from Rock Creek Canyon to Eastland Drive North, and Eastland Drive from Pole Line Road East to Kimberly Road. (Ord. 2620, 8-2-1999)

(B) Landscaping Requirements: In addition to, and as part of, the landscaping requirements specified elsewhere in this title, the following landscaping shall be provided, retained and maintained on all properties in commercial or industrial zoning districts and fronting gateway arterials: a landscaped strip at least ten feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled, and thirty feet (30') when vacant land or cleared land is being developed, with the following exception: Washington Street North from Addison Avenue to Caswell Avenue will be required to provide a landscaped strip at least ten feet (10') in width immediately behind the sidewalk or future sidewalk when an existing building is being remodeled or vacant land or cleared land is being developed. Any continuous landscaped strip exceeding forty feet (40') in length shall contain a twelve inch (12") minimum height undulating berm. Each separate section of the landscaping strip shall contain trees or shrubs. The plant types in each portion of the landscaping strip shall be as set forth in subsection 10-11-2(A) of this title, except that evergreen trees shall not be required. Each landscaped strip shall be kept clean and free of noxious and other weeds. (Ord. 2978, 10-26-2009)

(C) Hardship: In the case of the expansion of existing commercial developments, these requirements may be modified by the commission if it can be shown by the developer that strict compliance with these requirements will result in the removal of existing and proposed parking spaces below eighty five percent (85%) of the number of spaces required to serve the existing and proposed development. (Ord. 2323, 10-15-1990)

10-7-13: VEHICLE STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES:

(Rep. by Ord. 2016-7, 4-18-2016)

10-7-14: OUTSIDE STORAGE AND DISPLAY:

No outside storage or display of merchandise is allowed between any street and the primary business building or outside of screened areas except in the M2 zoning district and except for the display of vehicles, motor homes, travel trailers, recreational vehicles, pickup shells and large implements where offered for sale or rent and except for the seasonal display of living plants and materials such as Christmas trees, pumpkins, bedding plants, etc. The term "primary business building" shall include any paved pedestrian area adjoining the building and parallel to any portion of the building facing the street. All refuse areas shall also be visibly screened from adjacent streets and properties.

(A) Notwithstanding the above outside display restriction, a retail business may apply for a "parking lot sale" permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:

1. Up to eight (8) temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than two (2) per quarter.
2. A parking lot sale permit shall be issued for not more than five (5) consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven (7) days between permits.
3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.

5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the planning department with the permit application along with name and contact information for the authorized representatives who provided the approval.

(B) Parking lot sale permit applications shall be submitted to the planning department not less than two (2) weeks prior to the planned parking lot sale. The administrator may approve parking lot sale permit requests that comply with the standards contained herein. (Ord. 3113, 1-25-2016)

10-7-15: PLACEMENT OF SATELLITE DISHES:

No satellite dish over eighteen inches (18") in diameter shall be placed in the front yard setback nor in front of any existing building which exceeds the front yard setback in any zoning district of the city or its area of impact. (Ord. 2550, 6-2-1997)

10-7-16: RECREATIONAL VEHICLES ON RESIDENTIAL LOTS:

Motor homes, camp trailers, campers and other similar recreational vehicles may be stored, maintained, loaded or unloaded (but not occupied otherwise or connected to sewer, water or cable services, except in approved RV parks) on residential lots. The zoning administrator may approve a temporary RV park (not to exceed 6 months) for on site construction on nonresidential lots for a minimum of three (3) and a maximum of fifteen (15) RVs, provided that all RVs are connected to centralized sewer and water services. (Ord. 2800, 8-9-2004)

10-7-17: WIRELESS COMMUNICATIONS FACILITIES:

(A) Regulations:

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

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

b. Nonresidential zones: Lattice towers are prohibited. Other wireless communication facilities are permitted subject to the provisions of this section.

2. Preferred Locations And Facility Types:

a. Site Selection Criteria: A master development plan is to be created, prior to any wireless communication facility permit request, based upon engineering constraints and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order:

(1) Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section.

(2) Publicly owned property.

(3) Other nonresidential buildings or vacant nonresidentially zoned land.

b. Priority Order: Facility types are preferred in the following priority order:

(1) Roof mounted.

(2) Facade mounted.

(3) Utility pole mounted.

(4) Freestanding.

3. Collocation: Collocation is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Collocation of a wireless communication facility shall require only approval of the administrator.

4. New Freestanding Towers: No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

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

b. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

5. Prohibitions: The following are prohibited or restricted:

a. Lattice towers are prohibited.

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

prohibited.

c. Freestanding towers within residentially zoned areas are prohibited.

d. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.

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

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

2. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosures and other accessory uses.

3. The master development plan showing the location of all existing and proposed wireless communication facility sites of the applicant within the city and its area of impact, including the service area of each wireless communication facility.

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

5. Certification from the applicant's engineer that collocation of additional antennas for at least one additional provider is possible on the proposed pole, and a signed and notarized statement by the applicant agreeing to accommodate collocation of additional antennas on the tower and that the applicant agrees to enter into leases with other providers allowing use of the tower at a monthly lease rate not to exceed one-half ($\frac{1}{2}$) the capital cost of the tower, excluding the equipment to be used exclusively by the applicant, paid over fifteen (15) years at (7 percent interest) an interest rate not to exceed the Dow Jones twenty (20) year bond index, as published by the Wall Street Journal thirty (30) days prior to the lease date, plus one-half ($\frac{1}{2}$) the land lease. The maximum monthly lease rate shall be included in the application.

6. A lease agreement with the landholder that allows other providers to locate equipment on the subject property, and provides that if the provider fails to remove the wireless communication facility and equipment within one hundred eighty (180) days of its discontinued use, the responsibility for removal shall belong to the landholder.

(C) Standards:

1. Roof Mounted:

a. Height: Roof-mounted wireless communications facilities may extend above the highest portion of the roof, including parapet walls, by a distance equal to its distance to the nearest exterior wall. The maximum height for any roof-mounted facility, including the building, shall be one hundred feet (100'). (Ord. 2700, 7-16-2001)

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

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

2. Facade Mounted:

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

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

c. Attachment: The antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

3. Utility Pole Mounted:

a. Height: Maximum height of one hundred thirty three percent (133%) of the height of the original utility pole or an additional fifteen feet (15'), whichever is greater.

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

c. Attachment: The antenna shall be either fully concealed within the utility pole or face mounted (not to exceed 18 inches from the face of the pole). Standoffs and amps platforms are prohibited.

d. Pole Replacement: Existing utility poles may be replaced with a new utility pole of the same height, dimensions and appearance as the existing utility pole.

e. Equipment Enclosures: Aboveground equipment enclosures on utility poles in the right of way shall not exceed twelve (12) cubic feet in volume and shall be constructed so as to minimize their visual impact. Aboveground equipment enclosures off the right of way shall meet building line setbacks in the underlying district, and shall be finished to blend in with the surrounding area. If a security fence is installed, landscaping and screening shall be installed to visually screen the

aboveground equipment enclosure. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: 1) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or 2) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

f. Relocation Of Utilities: In the event the utilities located on a utility pole are relocated underground, the wireless communication facility shall be relocated to another location pursuant to the requirements of this section.

4. Freestanding:

a. Height: Freestanding towers shall not exceed one hundred feet (100') in height as measured from the ground.

b. Setback: Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all residential and residentially zoned property one hundred twenty five percent (125%) of the tower height as measured from ground level.

c. Color: Freestanding towers shall be a neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.

d. Attachment: The antenna shall be either fully concealed within the tower or face mounted (not to exceed 18 inches from the face of the tower). Standoffs and amps platforms are prohibited.

e. Landscaping: Landscaping and screening shall be installed to visually screen the support structure and aboveground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: 1) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or 2) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

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

g. Maintenance: All facilities and landscaping shall be properly maintained. (Ord. 2678, 1-16-2001)

(D) Modification: Modification to any existing wireless communication facility, which includes construction involving the replacement of support structure apparatus, antennas or any exterior alteration, shall comply with all the requirements of this chapter.

(E) Abandonment: Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. The carrier shall provide to the city, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use. The city shall be named as an obligee in the bond and must approve the bonding company. (Ord. 2850, 2-21-2006)

10-7-18: COMMERCIAL PAINTING:

Outside commercial painting is prohibited in all zoning districts. Inside commercial painting is permitted only by special use permit. The painting of interior and exterior of buildings and fixtures to real estate shall be excluded from these regulations. (Ord. 2741, 11-4-2002)

10-7-19: CITY SERVICES:

(A) Intent And Purpose: It is recognized that property development within all zoning districts necessarily requires supporting infrastructure for the provision of city services, including, but not limited to, streets, utility services, emergency services, recreational facilities, etc. It is also recognized that many city owned and/or operated facilities existed without zoning approval, and were considered nonconforming under the zoning ordinance. The purpose of this section is to declare that municipal services are permitted uses in all zoning districts, but to require notice, public hearing, and city council approval before the establishment of new municipal services uses.

(B) Permitted Uses: All uses on real property owned and/or operated by the city of Twin Falls are permitted uses. (Ord. 2985, 5-3-2010)

(C) Approval Of New Uses By City Council: Any proposed new use to be established on real property owned and/or operated by the city of Twin Falls, not already permitted by other provisions of this zoning ordinance or already approved as required utility improvements in new developments, must be approved by the city council after a public hearing at which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this chapter. (Ord. 3091, 3-2-2015)

10-7-20: PUBLIC HEARINGS NOTICE REQUIREMENTS:

Public notice shall be provided for land use actions requiring a public hearing. Public notice shall comply with the following requirements. Public hearings for appeals to the administrator's interpretation and administration of this title, zoning title amendments not relating to a specific property, and comprehensive plan amendments not relating to a specific property are not required to provide mail and site posting notice.

(A) Mail: Mail notice shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be provided by mail to the following:

a. Property owners, or purchasers of record, within the land being considered,

b. Property owners, or purchasers of record, within five hundred feet (500') of the external boundaries of the land being considered,

(1) For special use permit, zoning map amendment, and future land use map amendment requests involving the R6, MHO-1, and nonresidential districts, except M1, M2, and OS, notices shall be mailed to property owners, or purchasers of record, within seven hundred fifty feet (750') of the external boundaries of the land being considered.

(2) For special use permit, zoning map amendment, and future land use map amendment requests involving the M1 and M2 districts, notices shall be mailed to property owners, or purchasers of record, within one thousand feet (1,000') of the external boundaries of the land being considered.

c. Any additional property owners, or purchasers of record, that may be impacted by the proposed change as determined by the administrator, and

d. All political subdivisions providing services within the planning jurisdiction, including the city, school districts, and the Magic Valley regional airport manager.

2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.

3. The applicant requesting the proposed change shall mail the notices to the required property owners. Upon mailing, the applicant shall sign an affidavit stating that he has notified in writing the required property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of the notification shall be attached to the affidavit and returned to the city not less than ten (10) days prior to the hearing.

(B) Site Posting: Notice shall be posted on site as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the premises.

2. The applicant requesting the proposed change shall post the required notice on the premises as follows:

a. Notice shall be provided by not less than one sign located on the subject property adjacent to each street frontage of the property. In the event that the subject property is not adjacent to a public street, signs may be placed within the nearest public street right of way with prior approval from the administrator and the owner of the right of way.

b. Signs shall be placed on the property so as to remain clearly visible from adjacent streets. In the event that visibility of signs located on the property is obstructed, signs may be placed within the adjacent street right of way with prior approval from the administrator and the owner of the right of way.

c. If a property contains three hundred (300) or more feet of street frontage on a single street, one sign shall be placed on the property for each three hundred feet (300'), or portion thereof, of the street frontage.

d. Additional notice signs may be required as determined by the administrator.

e. Notice signs shall be made from metal, plywood, or an equivalent hard surface and shall be mounted on two (2) posts in a manner that is perpendicular to the street along which the sign posted.

f. Notice signs shall be a minimum of two feet (2') tall by three feet (3') wide and mounted so the bottom of the sign is at least two feet (2') above the ground. Notice signs that are located along a city designated arterial street or a state highway shall be a minimum of four feet (4') tall and four feet (4') wide and mounted so the bottom of the sign is at least three feet (3') above the ground.

g. Notice signs shall be white in color. At the top of the sign, notice signs shall include each of the following with a minimum size of six inch (6") black letters:

(1) The words, "Notice of Public Meeting",

(2) The words, "for more information call", and then the phone number for the city's planning and zoning department, and

(3) The official city logo.

h. Notice signs shall include a brochure holder mounted to the sign. The applicant requesting the proposed change shall ensure that, until such time as the notice sign is removed, the brochure holder contains handouts providing notice of the time and place of the hearing and a summary of the proposal. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.

i. The applicant requesting the proposed change shall remove the posted notice sign(s) from the property not more than three (3) days after the conclusion of the final public hearing for the proposed action.

(C) Newspaper: Newspaper notice shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the city.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the newspaper notice to be prepared and published.

(D) Press Release: A press release shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be made available as a press release to news media outlets serving the jurisdiction, including newspapers, radio, and television stations.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the press release to be prepared and made available to news media outlets. The city cannot guarantee that media outlets will broadcast the press release.

(E) City Website: Notice shall be provided on the city website as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the city website, www.tfid.org.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the notice to be posted on the city website. (Ord. 3091, 3-2-2015)

10-7-21: SPORT SHOOTING RANGE - INDOOR:

The following shall be provided when applying for a special use permit for a sport shooting range - indoor:

- (A) Site Location: A sport shooting range shall be located: not less than five hundred (500') lineal feet from any property in an existing residential district, with the exception of parks, open space, stormwater management areas, or similar lands reserved for uses that do not include dwellings.
- (B) Indoor Range Design: Indoor sport shooting ranges must be designed so projectiles cannot penetrate walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Considerations should be made for cleaning of all surfaces and handling of hazardous wastes.
- (C) Staffing: Sport shooting range staff must always be present on the subject property when the shooting range is in use.
- (D) Shooting Range Operation Plan: Each sport shooting range shall provide an operation plan. A copy of the operation plan shall be filed with an application for a special use permit. The operational plan shall include:
 1. Site plan;
 2. Building plan and elevations;
 3. Safety plan;
 4. Outside security plan;
 5. Copy of liability insurance;
 6. Other plans and/or information, as may be reasonably requested by staff to verify compliance with this section or unique conditions that apply to the site.
- (E) The application shall include a sound study prepared by a licensed sound engineer that demonstrates how the proposed use will address the impact of noise on adjoining uses. Any adverse effects shall be mitigated through setbacks, buffers, sound mitigation and/or hours of operation.

(F) Alcohol Sales Prohibited: Sport shooting ranges shall not sell or dispense alcoholic beverages, nor shall they be in a building which contains a business that sells or dispenses alcoholic beverages. Alcoholic beverages are not allowed on the premises of the sport shooting range at any time.

(G) Receive permission from the city for the ability to discharge firearms within city limits in accordance with city code section 6-2-1-D. (Ord. 2021-010, 5-3-2021)

CHAPTER 8

AREA OF CITY IMPACT

SECTION:

10-8-1: Integration Of Recitals

10-8-2: Geographic Area Of City Impact

10-8-3: Governing Plan And Ordinance

10-8-4: Administration

10-8-5: Enforcement

10-8-6: Renegotiation

10-8-1: INTEGRATION OF RECITALS:

The recitals set forth in ordinance 2279 on file in the office of the city clerk are incorporated in this chapter and by this reference made a part hereof. (Ord. 2793, 7-19-2004)

10-8-2: GEOGRAPHIC AREA OF CITY IMPACT:

The agreed upon area of city impact is as shown on the city of Twin Falls, Idaho, area of impact and zoning districts map. (Ord. 2793, 7-19-2004)

10-8-3: GOVERNING PLAN AND ORDINANCE:

(A) The city of Twin Falls comprehensive plan and Twin Falls, Idaho, revised area of impact and comprehensive plan land use map, together with the city of Twin Falls zoning and subdivision regulations contained in this title, and the city of Twin Falls, Idaho, area of impact and zoning districts map, are hereby adopted by reference by the county of Twin Falls to be in full force and effect in the area of city impact.

(B) Within the area of city impact, no provision of this chapter shall apply to any parcel of land twenty (20) acres or larger used solely for agricultural purposes. Within the area of city impact this chapter shall apply to any parcel of land proposed to be used for nonagricultural purposes. (Ord. 2793, 7-19-2004)

10-8-4: ADMINISTRATION:

(A) The administration of the codes applicable to the City of Twin Falls Area of Impact shall be as appointed and authorized by the Board of Commissioners for Twin Falls County.

(B) Persons living within the City of Twin Falls Area of Impact shall be entitled to representation on the City Planning and Zoning Commission. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the City of Twin Falls Area of Impact.

(Ord. 2020-006, 3-16-2020)

10-8-5: ENFORCEMENT:

Twin Falls County and its employees and agents shall enforce compliance with the provisions of this chapter within the City of Twin Falls Area of Impact. (Ord. 2020-006, 3-16-2020)

10-8-6: RENEGOTIATION:

The area of city impact may be reviewed and renegotiated at any time upon the request of either party hereto. (Ord. 2793, 7-19-2004)

CHAPTER 9

SIGN REGULATIONS

SECTION:

10-9-1: Purpose

10-9-2: Applicability

10-9-3: Permit Required To Erect Or Install A Sign

10-9-4: General Sign Provisions

10-9-5: General Sign Specifications And Design

10-9-6: Inspection

10-9-7: Measurement Of Sign Area And Height

10-9-8: Allowable Signs That Require The Issuance Of A Sign Permit

10-9-9: Allowable Signs That Do Not Require The Issuance Of A Sign Permit

10-9-10: Prohibited Signs

10-9-11: Removal/Impoundment Of Prohibited Signs

10-9-12: Recovery Of Impounded Signs

10-9-13: Neglected And Abandoned Signs

10-9-14: Nonconforming Signs

10-9-15: Variances

10-9-16: Sign Coordination Plan

10-9-1: PURPOSE:

Consistent with the standards set forth in section 10-1-5 of this title, the intent of the standards set forth in this chapter are as follows:

- (A) To facilitate the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs.
- (B) To facilitate the use of signs that enhance the visual environment of the city.
- (C) To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings.
- (D) To protect the public interest and safety. (Ord. 2957, 12-8-2008)

10-9-2: APPLICABILITY:

The terms and conditions of this chapter shall apply to signs located within the city of Twin Falls and its area of impact. (Ord. 2957, 12-8-2008)

10-9-3: PERMIT REQUIRED TO ERECT OR INSTALL A SIGN:

(A) Permit Required: No sign, other than those exceptions listed in section 10-9-9 of this chapter, shall be erected, placed, attached, altered, displayed, or secured to the ground, any building, or any structure, until a permit for such sign has been issued by the building official. An application for a sign permit may be obtained from the city's building inspections department. A permit will be issued if a proposed sign conforms to all city ordinances. Upon request by the city, a diagram shall be provided showing the location of all signs on the property and/or adjacent properties. Incorrect information shall be grounds for revocation of a permit.

1. Standard Sign Permit: The building official shall act on an application for a sign permit within fifteen (15) business days of the city's receipt of the application. The building official's action may include approval, approval with conditions, denial, or a request for additional information.
2. Temporary Sign Permit: The building official shall act on an application for a temporary sign in one day. The building official's action may include approval, approval with conditions, denial, or a request for additional information.

(B) Permit Expiration: If the work authorized by a permit issued under this chapter has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.

(C) Fees: A sign permit fee, as established by resolution of the city council, shall be paid upon issuance of a sign permit.

(D) Investigation: Whenever any work for which a permit is required by this chapter has been commenced or completed without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, as established by resolution of the city council and in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. (Ord. 2957, 12-8-2008)

10-9-4: GENERAL SIGN PROVISIONS:

(A) Interpretation And Administration: The building official shall be responsible for interpreting and administering this chapter. Allegations of errors in orders, decisions, or determinations of the building official in the administration of this chapter shall be in accordance with subsection 10-17-1(G) of this title.

(B) License Required: No person shall install, erect or maintain any sign that requires a building permit for electrical or structure unless such person is a licensed contractor as required by the state of Idaho. Such person shall provide a contractor registration number to the building official prior to issuance of a sign permit.

(C) Notice: Notice required by this chapter shall be sufficient if it is effected by personal delivery, registered or certified mail, return receipt requested, and/or depositing the notice with the United States mail.

(D) Traffic Control Signs: Traffic control signs conforming to the "Manual Of Uniform Traffic Control Devices" that are installed or approved by the city shall not be required to conform to these regulations. No traffic control sign shall be erected except those approved by the city.

(E) Imitation Traffic Control Signs: No sign shall be erected or displayed in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, but not limited to, signs making use of the words "stop", "go", "look", "slow", "danger", or any other similar word, phrase, symbol or character or employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

(F) Addresses: Each building shall display an address number which is not less than four inches (4") in height with a minimum stroke width of one-half inch ($\frac{1}{2}$ ") and plainly visible from the street. Address numbers shall be allowed in addition to the signs allowed herein. The address number displayed shall correspond to the number issued by the city. Address numbers shall contrast with their background and shall be in Arabic numerals or alphabet letters. These standards are intended to be minimum requirements. The fire chief, or his designee, may require a building to exceed these requirements if he determines that an address number meeting these minimum standards cannot be safely identified from the street.

(G) No Off Premises Signage: All signs shall pertain only to the use or products located on the same property as the sign, unless otherwise specified herein.

(H) Signs Inside Buildings: Signs inside buildings which are not visible from outside the building shall not be regulated by this chapter. Window signs shall be regulated by this chapter.

(I) Mobile Signs: A sign on a vehicle/trailer with wheels, being displayed with on or off premises messages cannot be used for the sole purpose of advertising. It is the responsibility of the property owners to provide proof that the vehicle has a legitimate business purpose other than acting as a sign.

(J) Nonconforming Uses: New signs on a nonconforming use may be allowed providing they meet the signing requirements of the most restrictive zoning district in which the use would be allowed. (Ord. 2957, 12-8-2008)

10-9-5: GENERAL SIGN SPECIFICATIONS AND DESIGN:

(A) Compliance With Zoning Ordinance, Building Code, National Electrical Code, And Other Ordinances: All sign structures shall comply with the city's zoning ordinance (this title), the building code, the national electrical code, and other city ordinances, as they currently exist or may be amended. The sign permit application must include a statement signed by the applicant which states compliance with these requirements. If the standards as described herein are more restrictive, then the provisions herein shall apply.

(B) Visibility: All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles. No sign located within eight feet (8') of the curb or future curb line shall have a sign face located between a point three and one-half feet ($3\frac{1}{2}$ ') and a point eight feet (8') above the top of existing or future curb as determined by the city engineer.

(C) Signs Projecting Into Rights Of Way: No sign shall project beyond the property line except those allowed herein to project over public ways. No sign foundations shall encroach into public right of way. No sign shall project closer than two feet (2') to a vertical line projected from the face of a curb, or if no curb exists, the face of the future curb as determined by the city engineer based on the master street plan. The owner of a sign allowed to project over a public way shall relocate the sign immediately upon written notification by the city of a modification to the public way.

(D) Signs Posted In Specified Areas: Unless otherwise allowed herein, no person shall post or cause to be posted, attach or maintain any sign upon:

1. Any city owned property or right of way without the written permission of the city manager;
2. Any utility easement. Should a property owner be able to demonstrate to the building official and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the building official and/or franchise utility company and subject to the providing of a letter to the city

releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;

3. Any tree, light pole, or any utility pole or structure;
4. Any fence, railing or wall, unless otherwise specified herein; or
5. Any sidewalk within the right of way or a sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.

(E) Signs Attached To Fire Escapes: No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of the fire escape.

(F) Accumulation Of Water: All signs shall be constructed so as to prevent the accumulation of water from rain or snowmelt within the sign.

(G) Location Near Utility Line Or Streetlight: No sign shall be erected nearer than two feet (2') from any utility line or any streetlight standard.

(H) Signs Not To Block Or Interfere With Exits Or Windows And Pedestrian And Vehicular Traffic: No sign shall be so erected as to block, partially block, or interfere in any way with a required means or exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.

(I) Glass Signs Over Public Property: Signs constructed of glass or other materials which may shatter upon impact are prohibited over public right of way, unless adequately protected to prevent injury if broken.

(J) Identification Marking Required: All temporary signs shall have attached, written, or painted in a weatherproof manner and in a conspicuous place thereon, in letters not less than one inch (1") in height, the date of expiration and the permit number of the sign.

(K) Multiple Signs On A Property Or Building: The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building unless the signs are expressly prohibited herein.

(L) Illuminated Signs: The light from an allowed illuminated sign shall be arranged, directed and of such intensity that it does not create a hazard on adjacent property, motor vehicles or approved traffic control devices.

(M) Lighting Elements: All lighting elements of exterior signs shall be a minimum of nine feet (9') above the ground unless adequately protected to prevent injury if broken.

(N) Structural Support: Signs that project from the face of a building and that require structural support shall be designed such that the structural support is integral to the overall architecture of the sign and building. (Ord. 2957, 12-8-2008)

10-9-6: INSPECTION:

(A) The building official reserves the right to perform inspections of all signs regulated by this chapter. The purpose of the inspection is to ascertain whether the same is unsafe or insecure, is dilapidated or deteriorated, and to ensure that the sign has been constructed in accordance with the standards contained herein, any other applicable ordinances, and the applicable permits. The method and time of such inspections shall be determined by the building official.

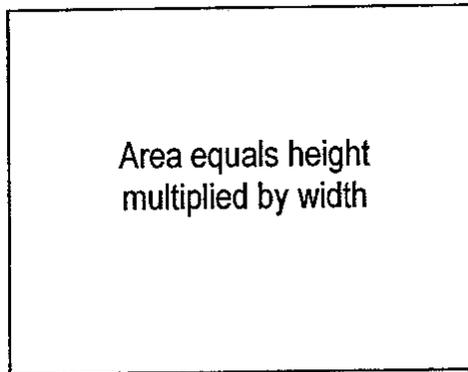
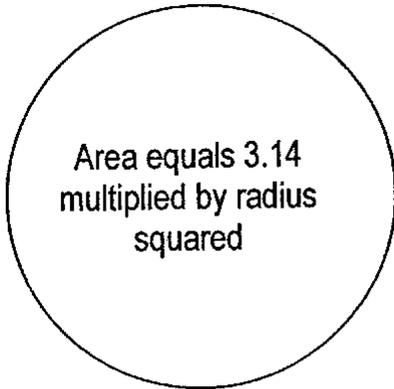
(B) If the building official determines that any sign is unsafe or insecure, or is dilapidated or deteriorated, he shall give written notice to repair, remove or replace (in accordance with this chapter) said sign to the person or persons responsible for such sign. If the permit holder, owner of the sign or owner of the property on which the sign is located fails to repair, remove or replace the sign within thirty (30) days after such notice or to file an allegation of error in accordance with this chapter, the building official is hereby authorized to cause the removal of such sign. Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign which is determined by the building official to be an immediate threat or danger to the public health, safety, or welfare. Any expense incident to the removal of a sign pursuant to this subsection shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located. The removal of the sign or portion of the sign shall be limited to the extent necessary to eliminate the threat to the public health, safety and welfare.

(C) The city is authorized to file a lien against any property which is not otherwise exempt to recover expenses incurred by the city for the removal of a sign or portion of a sign from the property. (Ord. 2957, 12-8-2008)

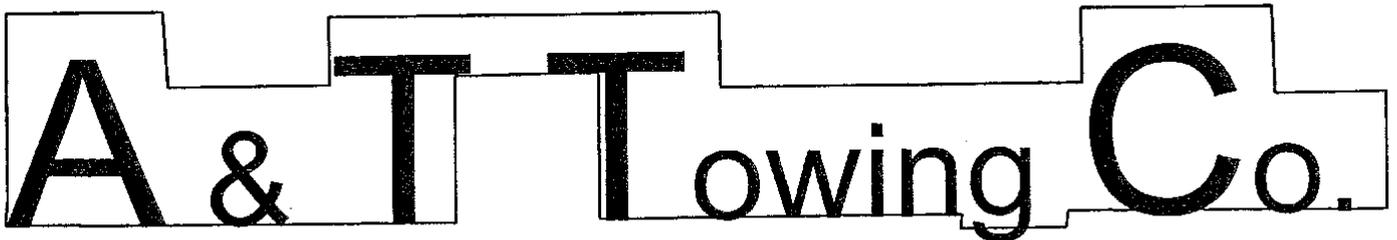
10-9-7: MEASUREMENT OF SIGN AREA AND HEIGHT:

(A) The area of a sign shall be measured as follows:

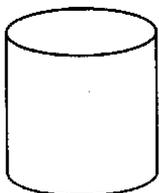
1. For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula (height multiplied by width, 3.14 multiplied by radius squared, etc.).



2. For signs with an irregular shape, the area shall be measured by enclosing the sign elements with intersecting parallel and perpendicular lines.



3. The area of a spherical, cylindrical or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign. For example, if a sign is cylindrical like the shape to the left, the area of sign is not the entire surface area (like a label peeled off a can) but the size of the shape if it was flattened to two (2) dimensions.



Sign dimensions

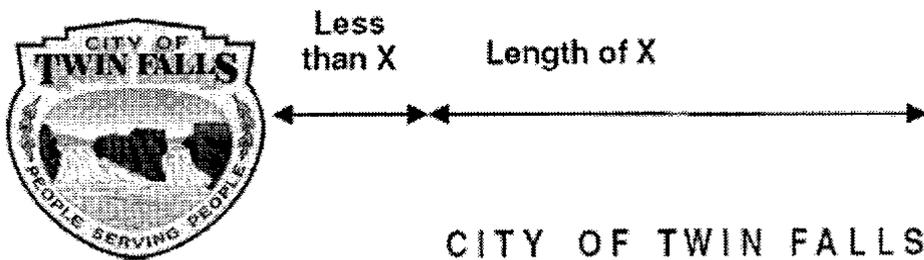
(B) Where a sign has two (2) faces, the area of the largest sign face shall be used to determine the area of the sign provided the two (2) faces are within sixty degrees (60°) of parallel. Where a sign has two (2) or more faces that are greater than sixty degrees (60°) from parallel, the sign area shall either be calculated as the sum of the area of each face, or the sign will constitute two (2) signs (a V-

sign). A V-sign is allowed at the corner of a property with two (2) street frontages.

(C) The area of wall signs containing multiple elements shall be calculated as follows:

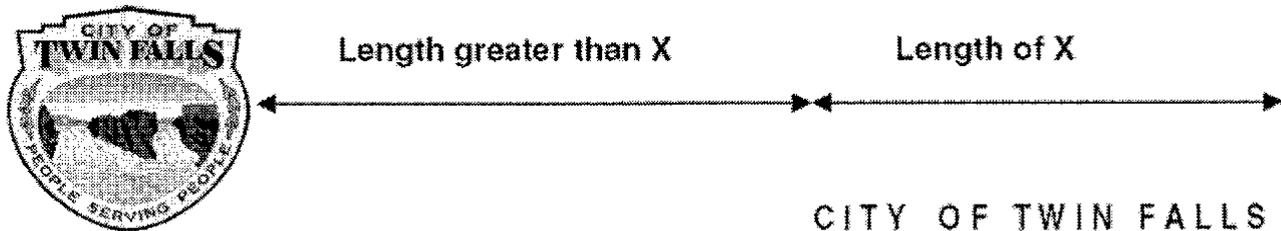
1. Regardless of the spacing between letters, letters forming a word or name shall be considered a single sign.
2. When two (2) or more separate items in a sign, such as a word and logo, are separated horizontally or vertically by less than the width or height of the largest item, the items shall be considered a single sign and the area shall be determined by measuring the area enclosing the sign elements with straight, intersecting lines.

The following sign elements are considered one sign:



3. When two (2) or more separate items in a sign, such as a word and logo, are separated horizontally or vertically by more than the width or height of the largest item, the items shall be considered separate signs and the area of each item shall be determined individually.

The following sign elements are considered two (2) signs:



(D) The vertical support structures of signs shall not be included in calculating the area of the sign, but shall be included in the measurement of the height of the sign.

(E) The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade of the ground below the sign and/or support structure. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign. (Ord. 2957, 12-8-2008)

10-9-8: ALLOWABLE SIGNS THAT REQUIRE THE ISSUANCE OF A SIGN PERMIT:

The following signs are allowed, upon issuance of a sign permit, subject to the following conditions and the specifications listed in section 10-9-5 of this chapter, unless otherwise specified.

(A) Awning Signs:

1. Definition: An "awning sign" is a sign which is applied to, attached, or painted on an awning or other roof like cover, intended for protection from the weather or as a decorative embellishment, projecting from a wall or roof of a structure over a window, walk, door, or the like.
2. Awning Signs Permissible: Awning signs are permissible subject to the following conditions:
 - a. Time: A permit shall not be issued to erect or place an awning sign on a property until a site plan and/or final plat has been approved by the city for development of the property.
 - b. Place:
 - (1) Awning signs are allowed in conjunction with a nonresidential use.
 - (2) Awning signs may project into public right of way for up to four feet (4'), but shall not project closer than two feet (2') to the face of the curb along an adjacent public street or alley.
 - c. Manner: The maximum percentage of the awning allowed to be covered with signage is fifty percent (50%) of the visible surface area.

(B) Banner Signs:

1. Definition: A "banner sign" is a temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other similar material, with the only purpose of such nonrigid material being for background.
2. Banner Signs Permissible: Banner signs are permissible subject to the following conditions:
 - a. Time:
 - (1) A sign permit shall not be issued to erect or place a banner sign on a property until a site plan and/or final plat has been approved by the city for development of the property.
 - (2) Each banner sign must be permitted individually. Individual banner signs can be placed for up to a maximum of six (6) weeks. Banner signs will be allowed on a building or property up to three hundred (300) days in a calendar year. Each suite within a retail development shall be considered a building and shall therefore be allowed to erect a banner sign accordingly.
 - (3) New businesses shall be allowed to place a banner on their building prior to the issuance of a certificate of occupancy and up to six (6) weeks after the date of issuance of a certificate of occupancy. The banner(s) shall not count against the allowances provided in subsection (B)2a(2) of this section.
 - (4) Religious organizations that operate in a school or other temporary facility may erect a banner during times of worship provided the banner is placed no earlier than two (2) hours prior to worship and is removed no later than two (2) hours after worship. The banner shall not count against the allowances provided in subsection (B)2a(2) of this section.
 - b. Place:
 - (1) Banners are allowed on a property in any area that does not violate the site triangle at an intersection or driveway. Banner signs are not allowed on right of way.
 - (2) Banner signs are allowed only in conjunction with a nonresidential use.
 - (3) With written permission of the city manager, or his designee, banner signs may also be erected during social or athletic events at a park or other city owned property. The banners shall be attached to pavilions, fences, vehicles, stakes, or poles.
 - c. Manner:
 - (1) The square footage of a banner sign shall not exceed seventy five percent (75%) of the linear foot width of the street side of the building, or the width of the leased storefront space in a larger building, on the lot on which the banner sign is being located. In no event shall the maximum area of banner signage exceed one hundred (100) square feet. Multiple signs may be allowed, but the combined square footage of all banner signs may not exceed the allowed area described above. The width of a banner sign may not exceed seventy five percent (75%) of the width of the building or lease space upon which the banner sign is located.
 - (2) All four (4) corners of a banner sign shall be securely attached at all times. Banner signs must be in good repair, taut, and vertical at all times.

(C) Bench Signs:

1. Definition: A "bench sign" is an off premises sign incorporated on a bench designed and intended to be used for seating for the general public.
2. Bench Signs Permissible: Bench signs are permissible subject to the following conditions:
 - a. Time: A sign permit shall only be issued to erect or place a bench sign on a property after that property has been developed.
 - b. Place:
 - (1) Allowed by special use permit in CB (except the downtown business improvement district), C1, M1 and M2 zoning districts and except any location prohibited by Idaho Code section 40-1910.

(2) A bench sign shall not be placed within five hundred feet (500') in any direction from any other bench sign.

c. Manner:

(1) The face of the sign incorporated on the bench seatback shall not exceed six feet (6') in length and two feet (2') in height.

(2) The content or advertising of the bench sign shall be by special use permit. No permit shall be granted without written consent of all property owners and tenants within one hundred fifty feet (150') of the proposed location.

(D) Canopy Signs:

1. Definition: A "canopy sign" is a sign that is applied to, attached, or painted on a canopy or other roof like cover over gasoline fuel pumps, or similar use, intended for protection from the weather or as a decorative embellishment.

2. Canopy Signs Permissible: Canopy signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place a canopy sign on a property until a site plan and/or final plat has been approved by the city for development of the property and after the issuance of a building permit for a building on the property.

b. Place:

(1) Canopy signs are allowed only in conjunction with a nonresidential use.

(2) One canopy sign may be erected on each side of the canopy band.

c. Manner:

(1) Canopy signs may not exceed thirty percent (30%) of the square footage of the band face.

(2) Canopy signs must be attached directly to or painted on the face of the canopy band and shall not project more than twelve inches (12") from the canopy band.

(E) Civic Directional Signs:

1. Definition: A "civic directional sign" is an off site sign that advertises and directs traffic to civic uses, including, but not limited to, schools, parks, fairgrounds, city facilities, or similar uses operated by either public or private nonprofit organizations.

2. Civic Directional Signs Permissible: Civic directional signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place a civic directional sign on a property until a site plan and/or final plat has been approved by the city for development of the property and after the issuance of a building permit for a building on the property.

b. Place:

(1) Civic directional signs are allowed only in conjunction with a nonresidential use.

(2) Civic directional signs are allowed only in road right of way on collector and arterial streets. Permits to work within the right of way may be required by the government entity having jurisdiction over the right of way.

c. Manner: Signs shall be installed in compliance with the "Manual On Uniform Traffic Control Devices" as well as all other city, state, or federal regulations regarding signs located in the right of way.

(F) Community Event Signs:

1. Definition: A "community event sign" is a temporary sign that announces or advertises a campaign, drive, activity, or celebration of a civic, political, public, philanthropic, religious, or educational organization for noncommercial purposes.

2. Community Event Signs Permissible: Community event signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place a community event sign on a property more than ten (10) days prior to the event or thirty (30) days prior to the holiday. A community event sign shall be removed within three (3) days after the event or holiday.

b. Place:

(1) Community event signs are allowed only in conjunction with a nonresidential use.

(2) Community event signs shall not be located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall the sign encroach into a right of way.

(3) Community event signs may be allowed to be placed off premises of the event with permission of the property owner of the property where the sign is placed.

c. Manner:

(1) The maximum area of a community event sign is sixty four (64) square feet in size.

(2) The maximum height of a community event sign is ten feet (10').

(G) Freestanding Sign:

1. Definition: A "freestanding sign" is a sign that is erected on its own vertical framework consisting of one or more uprights supported by the ground and generally used to identify the name of a business or development.

2. Freestanding Signs Permissible: Freestanding signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place a freestanding sign on a property until a site plan and/or final plat has been approved by the city for development of the property and after the issuance of a building permit for a building on the property.

b. Place:

(1) Freestanding signs are allowed only in conjunction with a nonresidential use.

(2) A freestanding sign is allowed on the same lot as a multi-tenant sign, but the total number of multi-tenant signs and freestanding signs located within a multi-tenant zone shall generally not exceed the number of lots located within the multi-tenant zone. The total number of signs shall be allowed to exceed the number of lots when additional freestanding or multi-tenant signs are allowed on a property in accordance with subsections (G)2c(6)B and (M)2c(5) of this section.

(3) Minimum setback is ten feet (10') from the street, measured from the face of the curb or edge of pavement. In no case shall a freestanding sign encroach into public right of way.

c. Manner:

(1) Vertical Support Structure: The vertical support structure of a freestanding sign shall be a minimum of twenty four inches (24") wide. The minimum width may be calculated as a total of multiple support structures. However, no single support structure shall be less than twelve inches (12") in width.

(2) Materials: Freestanding signs shall be constructed of materials that are similar to or that complement the building materials on the front building facade of the principal building on the same lot.

(3) Consistency Of Building Materials: Freestanding signs constructed in conjunction with multi-tenant and internal directional signs shall be consistent with the building elements and materials of the multi-tenant and internal directional signs on the same lot and/or within the multi-tenant zone. Architectural embellishments are also encouraged and may be considered through the review of the sign coordination plan defined in section 10-9-16 of this chapter.

(4) Standard Freestanding Sign:

A. A lot is allowed a maximum of one sign per street frontage.

B. The maximum area is one hundred (100) square feet per sign.

C. The maximum height is twenty five feet (25').

(5) Nonresidential Freestanding Signs: Freestanding sign for nonresidential uses in residential, open space and professional office overlay districts:

A. A lot is allowed a maximum of one sign per street frontage.

B. The maximum area is sixty (60) square feet per sign.

C. The maximum height is eight feet (8').

(6) Freestanding Signs In Identified Commercial Corridors:

A. The following standards shall apply to freestanding signs located in a commercial district adjacent to: 1) Blue Lakes Boulevard North, 2) Kimberly Road East, 3) Addison Avenue, entire length, and 4) Pole Line Road from Canyon Crest Drive to Bridgeview Boulevard. A business that fronts directly onto one of these roads or that is located within a larger common development that fronts directly onto one of these roads is considered to be located within the commercial corridor.

B. A lot is allowed a maximum of one sign for the first two hundred feet (200') of each street frontage. For lots that exceed two hundred feet (200') of street frontage, one additional sign is allowed for

each additional two hundred feet (200') of street frontage, or portion thereof, up to a maximum of three (3) signs per street frontage. Multiple signs on a lot shall be spaced a minimum of one hundred feet (100') apart from one another.

C. The maximum area is one hundred (100) square feet per sign. Where a lot is allowed to have multiple signs as described in subsection (G)2c(6)B of this section, the allowed area of the multiple signs may be combined into one sign. However, no single sign in any event shall exceed two hundred (200) square feet.

D. The maximum height is thirty five feet (35').

(H) Inflatable Signs:

1. Definition: An "inflatable sign" is a temporary ground mounted sign that is manufactured of plastic, cloth, canvas, or other light fabric, inflated with air and held upright, typically by mechanical means.

2. Inflatable Signs Permissible: Inflatable signs are permissible subject to the following conditions:

a. Time:

(1) A sign permit for an inflatable sign shall not be issued until the city has issued a certificate of occupancy for a building on the property.

(2) An inflatable sign may be erected on a lot for no more than six (6) 15-day periods per calendar year. In the case of multiple businesses or tenants located on a single lot, each business is allowed to erect an inflatable sign on the lot for six (6) 15-day periods provided that no more than one inflatable sign is located on the lot at any one time and provided a minimum of fifteen (15) days transpires between the removal of an inflatable sign permitted by one business and the placement of another inflatable sign permitted by another business.

b. Place:

(1) Inflatable signs are allowed only in conjunction with a nonresidential use.

(2) Inflatable signs shall not be located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall the sign encroach into a right of way.

(3) The minimum setback from the road right of way shall be one and one-half ($1\frac{1}{2}$) times the height of the sign.

c. Manner:

(1) Inflatable signs shall be secured directly to, and not suspended from, the ground or a building. A cloud buster sign as discussed in subsection 10-9-9(B) of this chapter is not an inflatable sign.

(2) The maximum height of an inflatable sign, measured from the ground, is the same as the maximum height allowed in the zoning district.

(3) A banner sign may be applied to an inflatable sign without the banner counting towards the allotted number of banner signs per calendar year (subsection (B) of this section). The maximum area of a sign placed or applied to an inflatable sign shall be forty eight (48) square feet.

(I) Internal Directional Signs:

1. Definition: An "internal directional sign" is a sign that is to be read by a person already on the premises and used to identify or locate a drive-through lane, entrance, exit, route, parking, building, office, tenant, or similar place, service, or route within commercial, multi-family, or office developments.

2. Internal Directional Signs Permissible: Internal directional signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place an internal directional sign on a property until a site plan and/or final plat has been approved by the city for development of the property and after issuance of a building permit on a building on the property.

b. Place:

(1) Internal directional signs are allowed only in conjunction with a nonresidential or apartment complex use.

(2) Minimum setbacks are thirty feet (30') from the front property line.

c. Manner:

(1) Internal directional signs constructed in conjunction with multi-tenant and/or freestanding signs shall be consistent with the building elements and materials of the multi-tenant and/or freestanding signs on the same lot and/or within the same development.

(2) The maximum area of an internal directional sign is twelve (12) square feet.

(J) Marquee Signs:

1. Definition: A "marquee sign" is a sign mounted on a vertical surface of a roof like structure projecting over a building entrance, typically a theater entrance.

2. Marquee Signs Permissible: Marquee signs are permissible subject to the following conditions:

a. Time: A permit shall not be issued to erect or place a marquee sign on a property until a site plan and/or final plat has been approved by the city for development of the property.

b. Place:

(1) Marquee signs are allowed in conjunction with a nonresidential use.

(2) Marquee signs may project into public right of way for up to four feet (4'), but shall not project closer than two feet (2') to the face of the curb along an adjacent public street or alley.

c. Manner:

(1) The maximum area of marquee signage shall be fifteen percent (15%) of the area of the largest face of the wall on which the sign is located.

(2) Marquee signs may implement electronically changeable text. Only the text of a marquee sign may be electronically changeable. Lighting intensity of electronically changeable text shall comply with the same intensity standards as set forth for message center signs found in subsection (L) of this section. Electronically changeable text may not flash, blink, scroll, or move in any way, and must remain static for a minimum of sixty (60) seconds.

(K) Menu Board Signs:

1. Definition: A "menu board sign" is a sign erected in conjunction with a use that incorporates a drive-through or drive-in and generally used to provide service and/or product options and pricing for customers who remain in their vehicles.

2. Menu Board Signs Permissible: Menu board signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place a menu board sign on a property until a site plan and/or final plat has been approved by the city for development of the property and after issuance of a building permit for a building on the property.

b. Place:

(1) Menu board signs are allowed only in conjunction with a nonresidential use that includes a drive-through or drive-in.

(2) Minimum front yard setback shall be twenty five feet (25').

c. Manner:

(1) Drive-through preorder sign:

A. Internal lighting may be utilized for the sign panels.

B. One drive-through preorder sign is allowed at the entrance of a drive-through lane and shall be set back a minimum of ten feet (10') from the drive-through menu board in the same drive-through lane.

C. The maximum area of a drive-through preorder sign is forty eight (48) square feet with a maximum height of eight feet (8').

D. Drive-through preorder signs shall be located at the side or rear of the principal building(s) on the lot.

(2) Drive-through menu board:

A. Internal lighting may be utilized for the sign panels.

B. One drive-through menu board sign is allowed per drive-through lane use on a lot.

C. The maximum area of a drive-through menu board is forty eight (48) square feet with a maximum height of eight feet (8').

D. Drive-through menu boards shall be located at the side or rear of the principal building(s) on the lot.

(3) Drive-in menu board:

A. If the drive-in stalls are covered by a canopy, the drive-in menu board signs may be attached directly to the canopy support columns.

B. Internal lighting may be utilized for the sign panels.

C. One drive-in menu board sign is allowed per ordering station.

D. The maximum area of a drive-in menu board sign is nine (9) square feet with a maximum height of six feet (6').

(L) Message Center Signs:

1. Definition: A "message center sign" is a sign containing a display that can be changed by electrical, electronic and/or a computerized process that provides general public service information such as time, date, temperature, weather, or messages of interest to the traveling public. A message center sign may also provide commercial messages relating to the use of the property on which the sign is located.

2. Message Center Signs Permissible: Message center signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place a message center sign on a property until a site plan and/or final plat has been approved by the city for development of the property and after issuance of a building permit for a building on the property.

b. Place:

(1) Message centers may be included as part of other allowed flush wall mounted, roof mounted or freestanding signs.

(2) Message center signs are allowed only in conjunction with a nonresidential use.

(3) Message center signs shall not project into the right of way.

(4) The building official must make all of the following findings in permitting such a sign:

A. The location and placement of the sign will not endanger motorists or pedestrians and does not cause undue distraction to traffic on the adjacent street or impede views at street or railroad intersections.

B. The sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.

C. The sign will not obstruct views of users of adjacent buildings to side yards, front yards or to open space.

D. The sign will not distract, intrude upon or negatively impact the visual quality of a public open space such as a public recreation facility, square, plaza, courtyard and the like.

E. The sign is compatible with building heights of the existing neighborhood and does not impose a foreign or inharmonious element to an existing skyline.

F. The sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect or spill onto adjacent business or residential areas.

c. Manner:

(1) The maximum area of a message center sign is fifty (50) square feet of the total square footage of the sign in which it is located; provided, however, where the property upon which the message center is to be executed possesses a single, contiguous street frontage equal to or greater than four hundred (400) linear feet, total square footage shall not exceed eighty (80) square feet.

(2) The lighting on message centers shall not exceed the following light measurements, as made using a one degree (1°) photographic exposure meter (spot meter) and measured one hundred feet (100') from the sign at a position five feet (5') to six feet (6') above ground level perpendicular from the face of the sign:

A. Daylight: The average exposure value (EV) shall not exceed fourteen (14) EV during the sign's normal running cycle, and shall never peak higher than fifteen (15) EV.

B. Night: The average exposure value (EV) shall not exceed twelve (12) EV during the sign's normal running cycle, and shall never peak higher than thirteen and one-half (13.5) EV.

(3) Flashing (the same copy flashing on and off repeatedly) is prohibited.

(4) Word messages shall not have a change frequency less than one second per frame.

(5) Animated graphics and enhancements are allowed so long as they are not used in conjunction with on/off flashing and as long as the sign does not include any full motion video, live or delayed.

(M) Multi-Tenant Signs:

1. Definition: A "multi-tenant sign" is a sign that is erected on its own vertical framework consisting of one or more uprights supported by the ground and generally used to identify several commercial, service, and/or office uses within a single common subdivision or development.

2. Multi-Tenant Signs Permissible: Multi-tenant signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place a multi-tenant sign on a property until a sign coordination plan as defined in section 10-9-16 of this chapter has been approved with a plat and/or site plan for the property by the city and after issuance of a building permit for a building within the multi-tenant zone.

b. Place:

(1) Multi-tenant signs are allowed only in conjunction with nonresidential uses.

(2) A multi-tenant sign shall be located within a multi-tenant zone. A multi-tenant zone shall:

A. Consist of multiple businesses/tenants with the same subdivision name or multiple lots which were depicted on the same preliminary plat or site plan;

B. Be united through common building architecture, color, and materials, landscaping and parking.

(3) A multi-tenant sign is allowed on the same lot as a freestanding sign, but the total number of multi-tenant signs and freestanding signs located within a multi-tenant zone shall generally not exceed the number of lots located within the multi-tenant zone. The total number of signs shall be allowed to exceed the number of lots when additional freestanding or multi-tenant signs are allowed on a property in accordance with subsections (G)2c(6)B and (M)2c(5) of this section.

(4) Minimum setback is ten feet (10') from the street, measured from the face of the curb or edge of pavement. In no case shall a multi-tenant sign encroach into public right of way.

(5) A multi-tenant sign shall not be located closer than fifty feet (50') to another multi-tenant sign or a freestanding sign.

c. Manner:

(1) Prior to city consideration of a multi-tenant zone, all property owners located within a proposed multi-tenant zone must submit notarized letters to the city authorizing the creation of the multi-tenant zone. A lot shall only be included in one multi-tenant zone.

(2) The vertical support structure of a multi-tenant sign shall be a minimum of twenty four inches (24") wide. The minimum width may be calculated as a total of multiple support structures. However, no single support structure shall be less than twelve inches (12") in width.

(3) Multi-tenant signs shall be constructed of materials that are similar to or that complement the building materials on the front building facade of the principal building on the same lot.

(4) Multi-tenant signs constructed in conjunction with freestanding and internal directional signs shall be consistent with the building elements and materials of the freestanding and internal directional signs on the same lot and/or within the multi-tenant zone. Architectural embellishments are also encouraged and may be considered through the review of the sign coordination plan defined in section 10-9-16 of this chapter.

(5) One multi-tenant sign is allowed for the first six hundred feet (600') of street frontage of the multi-tenant zone. For multi-tenant zones that exceed six hundred feet (600') of street frontage, one additional multi-tenant sign is allowed for each additional six hundred (600) linear feet of street frontage, or portion thereof, up to a maximum of three (3) multi-tenant signs per street frontage.

(6) The maximum area of a multi-tenant sign shall be one hundred fifty (150) square feet. For multi-tenant zones that exceed two hundred feet (200') of street frontage, the maximum area of a multi-tenant sign shall be three hundred (300) square feet.

(7) The maximum height of a multi-tenant sign is thirty five feet (35').

(N) Projecting Signs:

1. Definition: A "projecting sign" is a sign attached to and projecting out from a building face or wall more than twelve inches (12"), generally at a right angle to the building.

2. Projecting Signs Permissible: Projecting signs are permissible subject to the following conditions:

a. Time: A sign permit shall not be issued to erect or place a projecting sign on a property until a building permit has been issued for the building on which the sign is to be attached.

b. Place:

(1) Projecting signs are permitted in conjunction with a nonresidential use.

(2) If a projecting sign is constructed over a sidewalk, a minimum of nine feet (9') shall be provided between the grade of the sidewalk and the lowest portion of the projecting sign.

c. Manner:

(1) Each building or tenant is allowed a maximum of one projecting sign per wall that faces a street, public way, or parking area.

(2) The maximum area of a projecting sign is twelve (12) square feet.

(O) Roof Signs:

1. Definition: A "roof sign" is a sign that is painted directly upon or mounted on the roof of any building.

2. Roof Signs Permissible: Roof signs are permissible subject to the following conditions:

- a. Time: A sign permit shall not be issued to erect or place a roof sign on a property until a site plan and/or final plat has been approved by the city for development of the property and after the issuance of a building permit for a building on the property.
- b. Place:
 - (1) Roof signs are permitted in conjunction with a nonresidential use.
 - (2) Roof signs shall not be allowed to face property zoned, or designated on the future land use plan, for single-family uses if the sign is within one hundred fifty feet (150') of the property line of said residential property.
- c. Manner:
 - (1) Each nonresidential use may have one roof sign in lieu of wall signage. The square footage of a roof sign erected on a building will be deducted from the allowable wall sign area for the same building.
 - (2) The maximum size of the roof sign is three (3) square feet per linear foot of building width, up to a maximum of one hundred fifty (150) square feet.
 - (3) Roof signs shall be designed to look like part of the building or roof structure with the supports, anchors, or braces for the roof sign being enclosed or designed so that they are not readily visible from the street or other public way.
 - (4) In no case shall a roof sign project beyond the wall line of any outer building wall.

(P) Sandwich Board Signs:

1. Definition: A "sandwich board sign" is a temporary sign that is generally constructed in such a manner as to form an "A" or a tent like shape that is placed on, but not permanently attached to the ground. This definition also includes signs of a similar temporary nature that are constructed with a base and single upward sign face, forming an upside down "T".

2. Sandwich Board Signs Permissible: Sandwich board signs are permissible subject to the following conditions:

- a. Time:
 - (1) A sign permit shall not be issued to erect or place a sandwich board sign on a property until a certificate of occupancy has been issued for a building on the property.
 - (2) Sandwich board signs may be placed on properties during business hours only.
- b. Place:
 - (1) Sandwich board signs are allowed only in conjunction with a nonresidential structure or use and only in either of the following two (2) circumstances:
 - A. Sandwich board signs are allowed within multi-tenant developments. Sandwich board signs within multi-tenant developments shall be located on the interior of the property and shall not be located within any public right of way.
 - B. Sandwich board signs are allowed within the boundaries (as they exist or may be amended) of the downtown business improvement district 1. Sandwich board signs within the downtown business improvement district 1 may be located within public right of way.

- (2) Sandwich board signs shall not be located within a landscaped area, parking space, or vehicular travelway.
- (3) Sandwich board signs shall be located not more than ten feet (10') from the door of the business or use utilizing the sign.
- (4) Sandwich board signs shall not be located closer than three feet (3') to the curb of any adjacent street.
- (5) Should a sandwich board sign be placed on or adjacent to a sidewalk, an unobstructed pedestrian clearance of at least five feet (5') in width must be provided adjacent to the sign.
- c. Manner:
 - (1) The maximum size of a sandwich board sign is eight (8) square feet with a maximum height of four feet (4') and a maximum width of two feet (2').
 - (2) A maximum of one sandwich board sign may be placed per business or tenant on the property where the sandwich board sign(s) is located.
 - (3) Sandwich board signs shall be placed no closer than twenty feet (20') from other sandwich board signs.

(Q) Skylights And Searchlights:

1. Definition: A "skylight or searchlight" is a temporary sign that uses a large high power light pointed into the sky to attract attention to a particular location or event.
2. Skylights And Searchlights Permissible: Skylights and searchlights are permissible subject to the following conditions:
 - a. Time:
 - (1) A sign permit for a skylight or searchlight shall not be issued until the city has issued a certificate of occupancy for a building on the property.
 - (2) A skylight or searchlight may be utilized on a lot for no more than six (6) 15-day periods per calendar year. In the case of multiple businesses or tenants located on a single lot, each business is allowed to utilize a skylight or searchlight on the lot for six (6) 15-day periods provided that no more than one skylight or searchlight is located on the lot at any one time and provided a minimum of fifteen (15) days transpires between the removal of a skylight or searchlight permitted by one business and the placement of another skylight or searchlight permitted by another business.
 - b. Place:
 - (1) Skylights or searchlights are allowed only in conjunction with a nonresidential use.
 - (2) Skylights or searchlights shall not be located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall they encroach into a right of way.
 - (3) The minimum setback from the road right of way is thirty feet (30').
 - c. Manner: Skylights or searchlights shall generally be pointed upward and not aimed at any building or traffic.

(R) Subdivision Entry Signs:

1. Definition: A "subdivision entry sign" is a sign that generally identifies a development and that generally refers to the platted name of the subdivision.
2. Subdivision Entry Signs Permissible: Subdivision entry signs are permissible subject to the following conditions:
 - a. Time: A sign permit shall not be issued to erect or place a subdivision entry sign on a property until a final plat or site plan has been approved by the city for development of the property.
 - b. Place: All subdivision entry signs shall be located within the platted limits of a subdivision.
 - c. Manner:
 - (1) Subdivision entry signs may be in the form of a sign mounted to a subdivision monument, screening wall, retaining wall, or similar structure, so long as the sign does not project above the top of the structure.
 - (2) Subdivision entry signs shall have a maximum area of one hundred (100) square feet and a maximum height of eight feet (8').
 - (3) The maximum number of subdivision entry signs shall equal one freestanding sign or two (2) signs attached to screening walls or similar structures (not a combination of both) per street entrance.
 - (4) Alternative types of subdivision entry signs, including, but not limited to, neighborhood entry signs within an overall subdivision, may be approved as part of a sign coordination plan as outlined in section 10-9-16 of this chapter. The sign coordination plan shall be submitted for review with the final plat, landscaping, and screening wall plans.

(S) Subdivision Monuments:

1. Definition: "Subdivision monuments" are physical improvements such as signs, walls, or structures, constructed to draw attention to or enhance a subdivision entrance or its surrounding area. A subdivision monument may require issuance of a building permit depending upon the design of the proposed monument. The current building code should be consulted to determine whether a building permit will be required or not.
2. Subdivision Monuments Permissible: Subdivision monuments are permissible subject to the following conditions:
 - a. Time: A sign and/or building permit shall not be issued to erect or place subdivision monuments on a property until a final plat or site plan has been approved by the city for development of the property.
 - b. Place:
 - (1) Subdivision monuments placed on private property shall observe all building line and setback requirements. However, a nonhabitable monument may encroach into a required setback provided all visibility clips and easements are observed and the monument is deemed by city staff not to negatively impact fire protection of existing or future development.
 - (2) Subdivision monuments may not be erected within an area designated as future right of way on the city's master transportation plan.
 - c. Manner:
 - (1) The developer of the subdivision monument must provide a plan for future maintenance of the monument to the city for review.

(2) The maximum height of subdivision monuments shall be twenty five feet (25').

(T) Wall Signs:

1. Definition: A "wall sign" is a sign painted on or erected parallel to and generally extending not more than twelve inches (12") from the facade of any building to which it is attached, supported throughout its entire length by the building face.
2. Wall Signs Permissible: Wall signs are permissible subject to the following conditions:
 - a. Time: A sign permit shall not be issued to erect or place a wall sign on a property until a site plan and/or final plat has been approved by the city for development of the property and after the issuance of a building permit for a building on the property.
 - b. Place:
 - (1) Wall signs are permitted in conjunction with a nonresidential use.
 - (2) Wall signs shall not be allowed on any facade (other than the main front of the building) that faces property zoned, or designated on the future land use plan, for single-family uses if the sign is within one hundred fifty feet (150') of the property line of said residential property.
 - c. Manner:
 - (1) Each nonresidential use may have up to three (3) square feet of wall signage per linear foot of building width. The total square footage of allowed wall signage may be split into multiple signs.
 - (2) In no case shall a wall sign project above the roof line or parapet wall of any building.
 - (3) The maximum size of a wall sign located within a professional office overlay district shall be twenty five (25) square feet. (Ord. 2957, 12-8-2008)

10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT:

The following signs are allowed and do not require the issuance of a sign permit, provided the signs comply with the following conditions and the specifications listed in section 10-9-5 of this chapter, unless otherwise specified.

(A) Civic Signs:

1. Definition: A "civic sign" is a temporary stake sign that publicizes times or locations of meetings or special events of homeowners' associations, religious organizations or groups, or civic groups. This definition excludes directional signs for regularly scheduled religious events. A civic sign may also publicize times or locations of special events for schools and athletic team registrations.
2. Civic Signs Permissible: Civic signs are permissible subject to the following conditions:
 - a. Time: Civic signs shall be erected no more than seven (7) days prior to the meeting or event and removed no more than forty eight (48) hours after the meeting or event.
 - b. Place: See section 10-9-5, "General Sign Specifications And Design", of this chapter.
 - c. Manner: Civic signs shall not exceed six (6) square feet in area.

(B) Cloud Buster Signs:

1. Definition: A "cloud buster sign" is a temporary sign inflated so that it rises into the air and is anchored to the ground, vehicle, structure, or any other fixed object used for the purpose of advertising or drawing attention to a business, activity, commodity, service, sale, or product.
2. Cloud Buster Signs Permissible: Cloud buster signs are permissible subject to the following conditions:
 - a. Time:
 - (1) A cloud buster sign shall not be erected on a property until the city has issued a certificate of occupancy for a building on the property.
 - (2) A cloud buster sign may be erected on a lot for no more than six (6) 15-day periods per calendar year. In the case of multiple businesses or tenants located on a single lot, each business is allowed to erect a cloud buster sign on the lot for six (6) 15-day periods, provided that no more than one cloud buster sign is located on the lot at any one time and provided a minimum of fifteen (15) days transpires between the removal of a cloud buster sign erected by one business and the placement of another cloud buster sign erected by another business.
 - b. Place:
 - (1) Cloud buster signs shall not be located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall the sign encroach into a right of way.
 - (2) The minimum setback from the road right of way is ten feet (10').
 - c. Manner:
 - (1) Cloud buster signs shall be securely attached at all times to the ground, parked vehicle, structure, or any other fixed object.
 - (2) Should a cloud buster sign lose its buoyancy and fall to the ground, it shall not be so high, or located in such a position, so that the device or its tether line falls across a power line or public right of way.

(C) Construction Identification Signs:

1. Definition: A "construction identification sign" is a temporary sign that is generally used to advertise a new building, opening dates, leasing opportunities, and/or to identify the property owner, architect, contractor, engineer, landscape architect, or financier engaged in the design, construction or improvement of the premises on which the sign is located. Construction identification signs are also used to advertise sales and zoning information of properties.
2. Construction Identification Signs Permissible: Construction identification signs are permissible subject to the following conditions:
 - a. Time:
 - (1) A construction identification sign shall not be erected on a property until a building permit has been issued to build a structure on the property or until the city authorizes the construction of utilities or other amenities on the property.
 - (2) For properties with single- or two-family zoning or future land use plan designation, the sign shall be removed upon the issuance of certificates of occupancy for ninety five percent (95%) of the homes within a single-family or two-family subdivision.
 - (3) For properties with agricultural, multi-family, or nonresidential zoning or future land use plan designation, the sign shall be removed prior to the issuance of the certificate of occupancy for any building on the property.
 - b. Place:
 - (1) A construction identification sign shall be located no closer than fifteen feet (15') to any property line.
 - (2) The minimum distance between construction identification signs is two hundred feet (200').
 - c. Manner:
 - (1) The maximum area of a construction identification sign is ninety six (96) square feet.
 - (2) The maximum height of a construction identification sign is twelve feet (12').
 - (3) A maximum of one construction identification sign shall be placed on a property per street frontage. If multiple construction identification signs are permitted on a tract of land, only one sign shall be placed along each street frontage. A platted single-family or two-family subdivision shall be considered a single property for the purpose of this provision.

(D) Flags:

1. Definition: A "flag" is a piece of fabric attached to a staff or cord on one end and generally used as a symbol of a nation, state, political subdivision, or organization.
2. Flags Permissible: The United States flag is exempt from the following conditions. All other flags are permissible subject to the following conditions:
 - a. Time: A flag shall not be placed on a property until a site plan and/or final plat has been approved by the city for development of the property.
 - b. Place:
 - (1) A flag and its supporting structure shall be located on private property behind the property line.
 - (2) Flags may be placed at parks during social and athletic events.
 - c. Manner:
 - (1) The maximum height of a flagpole or other supporting structure shall be thirty five feet (35').
 - (2) The maximum area of a flag is sixty (60) square feet.
 - (3) A maximum of three (3) flags shall be located on a property.

(E) Garage Sale Signs:

1. Definition: A "garage sale sign" is a temporary sign used to advertise a garage sale, yard sale, or similar event on a residential property. This definition includes off premises signs for this purpose.

2. Garage Sale Signs Permissible: Garage sale signs are permissible subject to the following conditions:

a. Time: A garage sale sign shall not be erected earlier than twelve o'clock (12:00) noon on the day before a garage sale or similar event and must be removed by twelve o'clock (12:00) noon on the day following the garage sale or similar event.

b. Place:

(1) A garage sale sign shall be erected only on private real property, with the consent of the property owner. In general, a garage sale sign shall be erected no closer than ten feet (10') from the street pavement.

(2) Garage sale signs shall not be placed closer than sixty feet (60') from another garage sale sign.

c. Manner: Garage sale signs shall not exceed six (6) square feet in area.

(F) Government Signs:

1. Definition: A "government sign" is a temporary stake sign used to convey information to the public regarding city, state, or federal government activities and events.

2. Government Signs Permissible: Government signs are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place: See section 10-9-5, "General Sign Specifications And Design", of this chapter.

c. Manner: No restrictions.

(G) Home Improvement Signs:

1. Definition: A "home improvement sign" is a temporary stake sign that displays the name of a roofing, fence, pool, paint, landscape or other home improvement contractor currently performing home improvement work at a residential location.

2. Home Improvement Signs Permissible: Home improvement signs are permissible subject to the following conditions:

a. Time: A home improvement sign may be erected upon commencement of home improvement work and shall be removed when the home improvement work is completed.

b. Place: A home improvement sign shall be erected on the lot on which the home improvement is occurring. In general, a home improvement sign shall not be erected closer than ten feet (10') from the edge of the street pavement.

c. Manner:

(1) Home improvement signs shall not exceed nine (9) square feet in area.

(2) A maximum of one home improvement sign per contractor may be erected on a lot. In the event of multiple contractors working on a lot at the same time, up to three (3) home improvement signs may be located on a single lot at any given time.

(H) Human Signs:

1. Definition: A "human sign" is a temporary sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A person dressed in costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product shall also be construed as a human sign.

2. Human Signs Permissible: Human signs are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place: All human signs shall be located on private property. In general, a human sign shall not be located closer than ten feet (10') from the edge of the street pavement.

c. Manner: No restrictions.

(I) Instructional Signs:

1. Definition: An "instructional sign" is a sign that provides instruction, information, or direction to the general public. The sole purpose of an instructional sign is to provide such information to the general public that is essential to the health, safety, and public welfare of the community. Instructional signs shall include, but are not limited to, signs identifying restrooms, public telephones, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, and construction entrance signs. Signs erected by the city, state or federal government for the purpose of public instruction, warning, street or highway designation, control of traffic and similar uses incidental to the public interests shall be considered instructional signs. An instructional sign also includes signs of a warning, directive or instructional nature erected by a public utility company that operates under a franchise agreement with the city.

2. Instructional Signs Permissible: Instructional signs are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place: No restrictions.

c. Manner:

(1) The maximum area of an instructional sign is sixteen (16) square feet.

(2) An instructional sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information, or direction and shall not advertise or otherwise draw attention to an individual, business, commodity, service, activity, or product.

(J) Political Signs:

1. Definition: A "political sign" is a temporary sign relating to the election of a person to a public office, relating to a political party, relating to a matter to be voted upon at an election called by a public body or containing primarily a political message.

2. Political Signs Permissible: Political signs are permissible subject to the following conditions:

a. Time: A political sign relating to the election of a person running for public office or relating to a matter to be voted upon at an election called by a public body cannot be erected for more than sixty (60) days prior to the election date for which the candidate or matter is scheduled to be held. Signs must be removed within two (2) days after the election.

b. Place: Political signs shall be located only on private real property with the consent of the property owner. In general, a political sign shall not be erected closer than ten feet (10') from the edge of the street pavement.

c. Manner:

(1) Political signs shall not exceed thirty six (36) square feet in area.

(2) Political signs shall not exceed eight feet (8') in height measured from the ground to the highest point of the sign.

(3) Political signs shall not be illuminated.

(K) Real Estate Signs:

1. Definition: A "real estate sign" is a temporary stake sign that advertises a home, building, or property for sale or lease. This definition includes off premises real estate signs for directional purposes.

2. Real Estate Signs Permissible: Real estate signs, both on premises and off premises, are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place:

(1) Real estate signs shall not be located within any public right of way. In general, a real estate sign shall be erected no closer than ten feet (10') from the street pavement.

(2) An on premises real estate sign shall be erected on the lot on which the home or property is for sale or lease.

(3) An off premises real estate sign shall be erected only on private real property, and only with the consent of the property owner. No more than three (3) off premises real estate signs may be located on any single lot or property.

c. Manner:

(1) A maximum of one real estate sign per street frontage may be erected on a lot.

(2) Residential real estate signs shall not exceed nine (9) square feet in area.

(3) Real estate signs on property zoned for nonresidential uses shall not exceed thirty two (32) square feet in area.

(4) Real estate signs on agricultural properties shall not exceed thirty two (32) square feet in area. Only properties that are larger than forty (40) acres and that currently produce agricultural products shall be considered to be agricultural properties.

(5) All real estate signs shall be located in conformance with the provisions of section 10-9-5 of this chapter. (Ord. 2957, 12-8-2008)

3. Open House Real Estate Signs: Open house real estate signs, both on premises and off premises, are permissible subject to the following conditions:

a. Time:

(1) Open house signs may only be permitted on the public right of way one hour before and one hour after a scheduled open house. The total time an open house sign will be permitted on the public right of way shall not exceed five (5) hours in one day.

(2) No open house sign shall block the access of any public right of way so as to prevent passage by the general public including wheelchair access.

(3) All open house signs are to be removed from the public right of way within one hour after the completion of the open house.

(4) Open house signs are permitted only during the hours between sunrise and sunset.

b. Manner:

(1) Real estate open house signs placed on a sidewalk shall have a pedestrian or wheelchair passageway of a minimum of thirty six inches (36").

(2) Real estate open house signs shall not exceed nine (9) square feet in area.

(3) Real estate open house signs shall not be placed in a manner that would obstruct an ADA sidewalk ramp.

(4) Real estate open house signs placed in the right of way will not exceed thirty six inches (36") in height.

(5) Real estate open house signs may not be illuminated, either internally or externally. (Ord. 3066, 3-10-2014)

(L) Residential Nameplate Signs:

1. Definition: A "residential nameplate sign" is a sign that states the name of the occupant of a residential unit.

2. Residential Nameplate Signs Permissible: Residential nameplate signs are permissible subject to the following conditions:

a. Time: A residential nameplate sign shall not be erected on a property until the city has issued a certificate of occupancy for a residential unit on the property.

b. Place: A residential nameplate sign shall be located on private real property. In general, a residential nameplate sign shall be erected no closer than ten feet (10') from the street pavement.

c. Manner:

(1) The maximum size of a residential nameplate sign shall be two (2) square feet.

(2) The maximum height of a residential nameplate sign shall be seven feet (7').

(3) Each household unit may have a maximum of one residential nameplate sign.

(M) Scoreboards:

1. Definition: "Scoreboards" are signs erected at an athletic field, stadium or court and that are generally used to maintain the score or time expired in an event at the field or stadium.

2. Scoreboards Permissible: Scoreboards are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place: Scoreboards shall be erected within the limits of and face into the athletic field, stadium or court.

c. Manner: No restrictions.

(N) Sponsor Signs:

1. Definition: A "sponsor sign" is a sign that is mounted or applied to the inside of a fence or wall surrounding an athletic field, stadium or court, such as an outfield wall of a baseball field, and intended to be viewed by spectators of an athletic event at the field or court.

2. Sponsor Signs Permissible: Sponsor signs are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place: Sponsor signs shall be erected within the limits of and face into the athletic field, stadium or court.

c. Manner: No restrictions.

(O) Vehicle Signs:

1. Definition: A "vehicle sign" is a sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, and inspection and registration stickers.

2. Vehicle Signs Permissible: Vehicle signs are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place: Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the right of way or placed in a manner that the sign is readily visible and intended to be read from adjacent public right of way.

c. Manner:

(1) A vehicle on which a sign is attached cannot be used for the sole purpose of advertising. It is the responsibility of the property owners to provide proof that the vehicle has a legitimate business purpose other than display of the sign.

(2) The signs are painted upon or applied directly to an integral part of the vehicle.

(3) The vehicle is in operating condition, currently registered and licensed to operate on public streets, and actively used in the daily function of the business to which such sign relates.

(4) The vehicle is not used primarily as a static display, advertising a product or service, not utilized as storage, shelter or a distribution point for commercial products or services for the general public.

(P) Vending Machine Signs:

1. Definition: A "vending machine sign" is a sign that is attached to a vending machine, including a gasoline pump, and that generally advertises the products dispensed from the vending machine.

2. Vending Machine Signs Permissible: Vending machine signs are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place: Vending machine signs are allowed only in conjunction with a nonresidential use.

c. Manner: Vending machine signs shall be directly attached to a vending machine. The signs shall be flat and shall not project from the vending machine.

(Q) Wind Device Signs:

1. Definition: A "wind device sign" is a sign that is made of cloth, canvas, plastic, or any flexible material that moves or is designed to move freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale, or product. This definition includes balloons, pennants, streamers, spinners, or similar devices, but excludes inflatable signs, cloud buster signs and flags as specifically defined in this chapter.

2. Wind Device Signs Permissible: Wind device signs are permissible subject to the following conditions:

a. Time: A wind device sign shall not be erected on a property until the city has issued a certificate of occupancy for a building on the property.

b. Place:

(1) Wind device signs are allowed only in conjunction with a nonresidential use.

(2) Wind device signs shall not be located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall the sign encroach into a right of way.

(3) The minimum setback from the road right of way is ten feet (10').

c. Manner:

(1) Wind device signs shall be securely attached at all times to the ground, building, or other structure.

(2) The maximum height of a wind device sign, measured from the ground, is the same as the maximum height allowed in the zoning district.

(R) Window Signs:

1. Definition: A "window sign" is a sign that is visible from a public street or sidewalk and that is posted, attached, painted, placed, or affixed in or on a window or a sign that is located within three feet (3') of the inside of a window.
2. Window Signs Permissible: Window signs are permissible subject to the following conditions:
 - a. Time: No restrictions.
 - b. Place: Window signs are allowed only in conjunction with a nonresidential use.
 - c. Manner: The square footage of a window sign shall not exceed twenty five percent (25%) of the square footage of the window in which the sign is located.

(S) Yard Signs:

1. Definition: A "yard sign" is a temporary stake sign that publicizes the arrival of a newborn, the participation of a family member in a school activity or sport, or similar residentially themed event. Yard signs shall also include signs that advertise the presence of a home security system and seasonal or holiday decorations.
2. Yard Signs Permissible: Yard signs are permissible subject to the following conditions:
 - a. Time: No restrictions.
 - b. Place: Yard signs shall be located only on lots containing an occupied residential dwelling. In general, a yard sign shall be erected no closer than ten feet (10') from the street pavement.
 - c. Manner: Signs advertising the presence of a home security system shall not exceed one square foot in area.

(T) Zoning Signs:

1. Definition: A "zoning sign" is a temporary sign erected to publicize the request for zoning or rezoning of a property. (Ord. 2957, 12-8-2008)
2. Zoning Signs Permissible: Zoning signs are permissible subject to the conditions set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

10-9-10: PROHIBITED SIGNS:

(A) Commercial Billboard Signs: A commercial billboard sign is a large sign, generally supported by a metal or wood frame and consisting of two (2) parallel sign faces oriented in opposite directions, used for the display of posters, printed, painted, or electronic advertisements that generally direct attention to goods, merchandise, entertainment, or services conducted, sold, or offered at a location other than the premises on which the sign is located.

(B) Obscene Signs: An obscene sign is a sign that contains offensive language, is hate based, is discriminatory or on which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

(C) Portable Signs: Signs designed or intended to be relocated from time to time, whether or not it is permanently attached to a building or structure, or is located on the ground, are prohibited. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, tent signs, and airborne signs. This prohibition does not include vehicle, sandwich board, and other similar sign types specifically regulated herein.

(D) Merchandise Displays: No person shall suspend from any building, or pole, structure, sidewalk, parkway, driveway, parking area, or fuel pump island any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items, other than a sign as defined, regulated and prescribed by this chapter. This prohibition does not apply to the outside display or storage of merchandise as allowed in this title.

(E) Other Signs:

1. Signs which move and/or are animated by means of flashing, traveling or blinking lights, or other means not providing constant illumination, unless specifically allowed within this chapter;
2. Appendages to primary signs which have flashing, blinking, or traveling lights;
3. Any sign which emits audible sound, odor, or visible matter;
4. Any sign located on a property where the contents of that sign do not pertain to a person, activity, idea, business, or product being sold, promoted, or expressed on the premises where the sign is located, unless specifically allowed within this chapter;
5. Any sign not referenced within, or governed by this chapter;
6. Any sign erected without a permit, either prior to or after the adoption of this chapter, if a permit was required;
7. Any sign erected in or over public right of way or other public property, unless the same is erected by the city, county, state or other authorized governmental agency, or with the permission of the city, for public purposes, unless allowed within this chapter; and
8. Any lighted sign erected or displayed within one hundred fifty feet (150') of a residentially zoned property, or designated as residential on the future land use plan, unless the lighting is shielded from view of the residential property and indirect light does not exceed one-half ($\frac{1}{2}$) lumen measured from any property line of the residential property, unless allowed within this chapter. (Ord. 2957, 12-8-2008)

10-9-11: REMOVAL/IMPOUNDMENT OF PROHIBITED SIGNS:

(A) All signs listed in section 10-9-10 of this chapter and other prohibited or noncompliant signs shall be considered a public nuisance and are prohibited by this chapter. Upon identification of any prohibited sign, the building official shall provide written notification of the violation to the owner of the property on which the prohibited sign is located and/or the permittee of the sign. The notification shall state that the offending sign shall be removed by the property owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within the time period prescribed by the building official after written notification to do so. The notification shall further state that if the prohibited sign is not removed within a specific time frame (not to exceed 10 days) a citation may be issued and the city may resort to any civil remedy available up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety, or welfare, the city may remove it immediately. Within ten (10) days of the removal of the sign, the city shall notify the owner of the property on which the sign was located of the reasons for removal of the sign.

Signs authorized by a sign permit with an expiration date shall be removed promptly upon the date of expiration. Signs remaining after the date of expiration shall be deemed prohibited. The sign permit listing the expiration date shall be considered adequate notice of violation.

(B) It shall be unlawful for any person, firm or corporation receiving such written notice or having an expired permit to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under subsection (A) of this section, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.

(C) If a sign is placed within the public right of way or on a city owned property in violation of this chapter, the sign may be immediately removed and impounded. (Ord. 2957, 12-8-2008)

10-9-12: RECOVERY OF IMPOUNDED SIGNS:

(A) Impounded signs may be recovered by the owner within fifteen (15) days from the date of the written notification of impoundment by paying a pick up fee, as established by resolution of the city council.

(B) Signs not recovered within fifteen (15) days of impoundment may be disposed of by the city in any manner it shall elect. (Ord. 2957, 12-8-2008)

10-9-13: NEGLECTED AND ABANDONED SIGNS:

(A) A neglected sign is a sign which contains missing panels, burned out lights, missing letters, rust, loose parts, is faded from its natural color, or is in a similar state of disrepair.

(B) An abandoned sign is a sign which, for at least six (6) months does not identify or advertise a bona fide business, lessor, service, owner, product, or activity; or pertains to a time, event, or purpose which no longer applies.

(C) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this chapter. Upon written notification to the permit holder by the building official, such abandoned signs shall be removed from the premises and neglected signs shall be repaired or removed from the premises by the property owner, agent, or person having beneficial use of the land, building, or structure upon which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten (10) days after written notification to do so by the building official. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the city may resort to any civil remedy available to remove or repair the sign, up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety, or welfare, the city may remove it immediately. Within ten (10) days of the removal of the sign, the city shall notify the owner of the property on which the sign was located of the reasons for removal of the sign.

(D) It shall be unlawful for any person, firm or corporation receiving such written notice to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under subsection (C) of this section, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located. (Ord. 2957, 12-8-2008)

10-9-14: NONCONFORMING SIGNS:

(A) Definition: A "nonconforming sign" is a sign and its supporting structure which does not conform to all or part of the provisions of this chapter, and:

1. Was in existence and lawfully erected prior to the effective date of this chapter;
 2. Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming thereunder, and has since been in continuous or regular use; or
 3. Was in existence, located, and used on the premises at the time it was annexed into the city limits or included in the city's area of impact and has since been in regular and continuous use.
- (B) Repair Or Replacement: Any nonconforming sign and its supporting structure, which is destroyed, damaged, dilapidated or deteriorated, may be replaced or repaired providing:
1. The new sign does not have a nonconforming feature that the original sign did not have,

2. The new sign does not exceed the size of the original sign,
3. A nonconforming sign is not expanded or changed, and
4. A sign permit for the replacement or repair is issued within six (6) months of the date of the damage. The planning and zoning commission may approve requests for extensions within the original six (6) months.

(C) No Increase In Dimension: No sign or supporting structure which is lawfully reproduced, repaired, or renovated as a nonconforming sign shall be increased in area or height.

(D) Change Of Interior Panel Allowed: Changing an interior panel of a nonconforming sign is allowed in all cases.

(E) Relocation: Notwithstanding any other provision of this chapter, any sign which is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land, if the sign is required to be removed from its present location because the property upon which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain. Such relocated sign shall be placed, insofar as possible, as to comply with all the provisions of this chapter. (Ord. 2957, 12-8-2008)

10-9-15: VARIANCES:

(A) Requests for variances to sign regulations shall be made in writing by the applicant and heard by the planning and zoning commission at a public hearing. A variance application may be obtained from the city. Applications for a variance will be administered per the variance process contained in section 10-13-2-1 of this title. The planning and zoning commission's decision on a variance application will be based on the approval criteria in section 10-13-2-1 of this title.

(B) A variance shall not be approved for a sign that is prohibited by section 10-9-10 of this chapter. (Ord. 2957, 12-8-2008)

10-9-16: SIGN COORDINATION PLAN:

(A) A sign coordination plan is required prior to the permitting of specified signs to determine overall sign locations on a property, the relationship of the signs to surrounding existing, proposed, and future improvements, and to determine consistency and uniformity among buildings and signs within a multi-tenant zone or residential development. The sign coordination plan shall be submitted to the planning and zoning department.

(B) A sign coordination plan shall contain the following information:

1. Elevations of the signs illustrating the materials of construction, colors, lighting, font of letters, and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building.
2. Elevations depicting the size of the signs in relation to the size of the buildings within the development.
3. A plan drawn to preliminary plat or site plan specifications of the site illustrating the location of existing and proposed signs on the property and, if required by city staff, on adjacent properties.
4. Other information to illustrate the consistency and uniformity of the signs.
5. For multi-tenant signs, the sign coordination plan shall identify a multi-tenant zone. Only those properties and businesses included within the multi-tenant zone shall be included on the multi-tenant signs erected within the multi-tenant zone.

(C) For nonresidential and multi-family developments, the sign coordination plan shall be submitted to the city for review with a site plan of the property. For single-family and two-family developments, the sign coordination plan shall be submitted to the city for review with a preliminary or final plat of the property.

(D) The plan will be reviewed and considered for approval by city staff. Staff may approve or deny a sign coordination plan. Should staff deny a sign coordination plan, the plan may be forwarded to the planning and zoning commission for their review and consideration upon receipt of a written appeal request. The planning and zoning commission may approve or deny the plan. A plan that is denied by the planning and zoning commission may be forwarded to the city council for their review and consideration upon receipt of a written appeal request. The city council may approve or deny the plan. The city council's decision is final. (Ord. 2957, 12-8-2008)

CHAPTER 10

OFF STREET PARKING AND LOADING

SECTION:

10-10-1: Purpose

10-10-2: Residential Parking Provisions

10-10-3: Nonresidential And Multi-Family Parking Provisions

10-10-4: Mixed Use Or Joint Use Parking Provisions

10-10-5: Parking Access And Layout Drawing - All Districts And Subdistricts

10-10-6: Parking Requirements Based On Use

10-10-7: Bicycle Parking Exchange

10-10-8: Rules For Computing Number Of Parking Spaces

10-10-9: Location Of Parking Spaces

10-10-10: Loading Space And Stacking Requirements

10-10-11: Minimum Standards For Parking Lot Design

10-10-12: Regulations For Parking Overlay Districts

10-10-1: PURPOSE:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off street parking and loading shall be provided as set forth in the following schedules and provisions. (Ord. 3076, 8-11-2014)

10-10-2: RESIDENTIAL PARKING PROVISIONS:

(A) Required parking shall be provided on the same lot as the use it is to serve.

(B) All required parking spaces shall be concrete, asphalt, or other material approved by the city engineer prior to construction.

(C) No required parking space shall be used for the storage of any vehicle of one and one half (1.5) ton capacity or more, nor a vehicle which has an overall length of more than twenty two feet (22'), nor a trailer of more than one and one-half (1.5) ton capacity, except while engaging in the actual loading or unloading of passengers or property.

(D) Direct private residential driveway access to arterial streets creates a traffic hazard. No development plan or plat creating lots which require direct residential driveway access to an arterial street (as shown in current master transportation plan) shall be approved.

(E) When a property abuts a residential and collector/arterial, the driveway shall be located on the residential street. (Ord. 3076, 8-11-2014)

10-10-3: NONRESIDENTIAL AND MULTI-FAMILY PARKING PROVISIONS:

(A) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties.

(B) All required parking spaces shall be constructed from asphalt, paved concrete, or another similar surface approved by the city engineer, or designated official, prior to construction. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent markings, such as paint, shall be regularly maintained to ensure continuous identification.

(C) All parking and loading spaces and vehicle sales areas on private property shall have a curb or vehicle stopping device for spaces adjacent to required landscaped areas, public right of way line, public sidewalk, or other accessible path, to prevent any parked vehicle from overhanging into these areas. Parking shall not be permitted to encroach upon the public right of way in any case. All vehicle maneuvering shall take place on site. No public right of way shall be used for backing or maneuvering into or out of a parking space, except as provided in the downtown parking overlay districts.

(D) Required parking and loading spaces shall be used only for these respective purposes and not for the storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.

(E) Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pick up by refuse collection agencies and shall be screened according to provisions in this title.

(F) Handicap parking space(s) shall conform to the current ADA standards for accessible design as amended. (Ord. 3076, 8-11-2014)

10-10-4: MIXED USE OR JOINT USE PARKING PROVISIONS:

(A) Mixed Uses: Total requirements for off street parking spaces shall be the sum of the requirements for various uses.

(B) Joint Uses: The joint use of off street parking facilities is allowed provided:

1. The applicant shows that there is no substantial conflict in the principal operating hours of the building, structure or use for which the joint use of parking facilities is proposed;
2. The parking facility for such proposed joint use is not farther than three hundred fifty feet (350') for customers and five hundred feet (500') for employees from the building, structure or use which is being required to provide off street parking; and
3. The parties concerned in the joint use of off street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the city attorney as to form and content, and such agreement, when approved as conforming to the provisions of this chapter, shall be recorded in the office of the county recorder and shall be filed with the application for a building permit or certificate of occupancy (COO); whichever occurs first.

(C) Evening Parking Spaces: Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally occupied during evening hours if specifically approved by the zoning administrator. Approval may be reviewed upon the determination that a change of use has occurred. (Ord. 3076, 8-11-2014)

10-10-5: PARKING ACCESS AND LAYOUT DRAWING - ALL DISTRICTS AND SUBDISTRICTS:

(A) In all districts building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the city engineer or designated representative.

1. Where projected volumes of traffic entering or leaving the developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right of way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the landowner in order to reduce such interference. Projections of traffic shall be based on analysis performed by the city engineer or designated official.

2. Additional right of way or paving requirements may be reviewed and determined during the platting and/or development process.

(B) Backing a vehicle from an off street parking space directly into a public trafficway creates a traffic hazard. Parking layouts requiring this maneuver shall not be approved by the city engineer except for residential uses exiting onto a local trafficway of low traffic volume.

(C) Whenever off street parking is required by this code a parking layout drawing shall be submitted to and approved by the city engineer. The layout shall show a sketch of all parking spaces, access aisles, entrances to the site and exits from the site drawn to scale and the dimensions of each item shown and shall indicate all information necessary to determine the employee and customer parking requirements. The entrances to and/or exits from the parking site shall conform to the requirements of this code for driveway approaches. Parking spaces shall have a minimum size of nine feet by twenty feet (9' x 20'), or if parallel to the access aisle, nine feet by twenty three feet (9' x 23'). (Ord. 3076, 8-11-2014)

10-10-6: PARKING REQUIREMENTS BASED ON USE:

In all zoning districts and subdistricts, at the time any building or structure is constructed, structurally altered, enlarged or increased in capacity, or when the use of a building or structure is changed, parking spaces shall be provided in accordance with the following requirements:

Assembly and education:

Assembly and education:

Assembly, convention, exhibition or reception hall without fixed seats	1 parking space for each 200 square feet of floor area
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Church, rectory, or other place of worship	1 parking space for each 3 fixed seats, or 6 feet of bench, in all areas that may be simultaneously used for assembly. Where there is no fixed seating or a combination of assembly areas with and without fixed seating, 1 parking space shall be provided for each 35 square feet of assembly space
College or university	1 space per 4 students at maximum capacity 10 parking spaces plus 1 additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the floor area and additional parking provided on the basis of 1 space for each 4 seats contained therein
Community center, library, museum, or art gallery	1.5 spaces per employee anticipated at full capacity plus 1 paved off street loading and unloading space
Kindergartens, day schools, and similar child training and care establishments	1 space per 100 square feet of floor area
Recreation center	2 parking spaces per classroom
School; elementary, secondary, or middle	1 space per 4 people calculated at maximum capacity
School; high school	1 parking space for each 3 seats or 6 feet of bench seating
Theater, sports arena, stadium, gymnasium or auditorium (except school)	
Health services:	
Assisted living, nursing home and retirement facilities	1 space per 2 certified beds or 2 units, whichever is greater
Hospital	1 space per employee on the largest shift, plus 1.5 spaces per each bed or examination room, whichever is applicable
Medical or dental office	1 space per 250 square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals
Residential:	
Dwellings, multi-family	2 spaces for units containing 1 and 2 bedrooms, each additional bedroom requires 0.5 additional space
Dwellings, single-family and duplex	2 spaces for each dwelling unit
Retail, commercial, industrial:	
Bank, savings and loan, or similar institution	1 space per 350 square feet of gross floor area
Bar or club	1 parking space for each 75 square feet of gross floor area
Beauty salon	See Personal service establishment
Bed and breakfast facility	1 space per guestroom in addition to the requirements for a normal residential use
Bowling alley	3 parking spaces for each alley or lane
Business or professional office (general)	1 space per 250 square feet of gross floor area except as otherwise specified herein
Commercial amusement	1 space per 3 guests at maximum designed capacity
Country club or private golf club	1 parking space for each 150 square feet of floor area or for every 5 members, whichever is greater
Flea market	1 space for each 500 square feet of site area
Fraternity, sorority, or dormitory	1 parking space for each 2 beds on campus; 1.5 spaces for each 2 beds in off campus projects
Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service	2 parking spaces, plus 1 additional parking space for each 300 square feet of floor area over 1,000
Gas station	See Refueling station
Golf course	5 parking spaces per hole
Health club or exercise gym	1 parking space per 250 square feet of exercise area
Hotel	1 parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein
Lodge or fraternal organization	1 space per 200 square feet of floor area
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or similar establishment	1 parking space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than 1 parking space for each 1,250 square feet of floor area
Miniwarehouse	4 spaces per complex plus 1 additional space per 300 square feet of rental office
Mobile home park	2 spaces for each mobile home plus additional spaces as required herein for accessory uses
Mortuary or funeral home	1 parking space for each 50 square feet of floor space in parlors or individual funeral service rooms
Motel	1 parking space for each sleeping room or suite plus 1 additional space for each 200 square feet of commercial floor area contained therein
Motor vehicle salesroom and used car lots	1 parking space for each 500 square feet of the structure. These required spaces may not be used to store or display automobiles for sale 3 parking spaces plus 1.5 parking spaces per service bay. Adequate storage space for overnight stay of vehicles also required where applicable. Adequate stacking lanes also required where applicable
Motor vehicle service and repair	

Motor vehicle wash station (car wash self-serve)	1 parking space per 500 square feet of gross floor area
Office	See Business or professional office (general)
Personal service establishment, except as otherwise specified herein	1 space per 250 square feet of gross floor area
Refueling station	1 space per 250 square feet of gross floor area. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling 1 parking space for each 75 square feet of gross floor area for stand alone buildings without a drive-through, and 1 parking space for each 100 square feet of gross floor area for restaurants located within a multi-tenant building and for stand alone buildings with a drive-through. Outdoor seating/dining areas will be included in gross floor area calculations
Restaurant, cafe or similar dining establishment	
Retail store	1 space per 250 square feet of gross floor area
Rooming or boarding house	1 parking space for each sleeping room
Truck stops	1 truck parking space for each 10,000 square feet of site area, plus 1 vehicle parking space per 200 square feet of building area
Warehouse, wholesale, minimanufacturing and other industrial type uses	1 space per 1,000 square feet of gross floor area, or 1 space per maximum number of employees on a shift, whichever is less

(Ord. 3076, 8-11-2014)

10-10-7: BICYCLE PARKING EXCHANGE:

At the owner's discretion, a maximum of one required parking space may be exchanged for ten (10) bicycle spaces. Bicycle spaces shall be located on a bike rack furnished by the owner. (Ord. 3076, 8-11-2014)

10-10-8: RULES FOR COMPUTING NUMBER OF PARKING SPACES:

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- (A) "Floor area" shall mean the gross floor area of the specific use.
- (B) Where fractional spaces result, the parking spaces required shall be constructed to be the next whole number.
- (C) The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the zoning administrator.
- (D) When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the administrator if it can be shown that strict compliance to these development standards is not possible. (Ord. 3076, 8-11-2014)

10-10-9: LOCATION OF PARKING SPACES:

All required parking spaces shall be located on the same lot as the building or use requiring said spaces when at all possible. Exceptions to this requirement are as follows:

- (A) The required off street parking location shall not be located more than the following distances, measured along the sidewalk or a walkway available for public use, from the primary entrance of the premises to the nearest entrance of the parking lot:
 1. Customer parking for retail or commercial businesses, as well as medical-dental clinics, churches, restaurants, bars, entertainment facilities and residential uses: Three hundred fifty feet (350').
 2. Employee parking: Five hundred feet (500'). (Ord. 3076, 8-11-2014)

10-10-10: LOADING SPACE AND STACKING REQUIREMENTS:

- (A) All nonresidential uses having ten thousand (10,000) square feet or more of gross floor area shall provide and maintain an area for the loading and unloading of merchandise and goods, in accordance with this code and the following requirements:
 1. Retail, commercial and industrial uses with building sizes of ten thousand (10,000) to fifty thousand (50,000) square feet of floor area will provide one loading space minimum. Uses with building sizes fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area will provide two (2) loading spaces minimum. Buildings over one hundred thousand (100,000) square feet of floor area will provide two (2) loading spaces minimum, plus one additional space for each one hundred thousand (100,000) square feet of floor area.
 2. All hotels, office buildings, restaurants and similar establishments shall have at least one space per one hundred fifty thousand (150,000) square feet of gross floor area up to three hundred thousand (300,000) square feet of gross floor area or fraction thereof.
 3. A loading space shall consist of an unobstructed minimum area of twelve feet wide, forty feet long and fourteen feet tall (12' x 40' x 14').
 4. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks.
- (B) Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service. A stacking space shall be a minimum of nine feet wide and twenty feet long (9' x 20') and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle. Unless otherwise specified, stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable. In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

Automated teller machine (ATM)	3 stacking spaces
Automobile oil change and similar establishments	3 stacking spaces per bay
Car wash (full service)	5 stacking spaces per bay
Car wash (self-service - automated)	3 stacking spaces per bay
Car wash (self-service - open bay)	2 stacking spaces per bay
Dry cleaning, pharmacy, or other retail establishments with a drive-through	3 stacking spaces from first service window
Financial institution	3 stacking spaces per window or service lane
Restaurant with drive-through	5 stacking spaces from first window, order board, or other stopping point

A single stacking space shall be provided after the final window, order board, or stopping points, to allow vehicles to pull clear of the transaction area prior to entering an intersecting on site driveway or maneuvering aisle. Buildings and other structures shall be set back a minimum of ten feet (10') from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

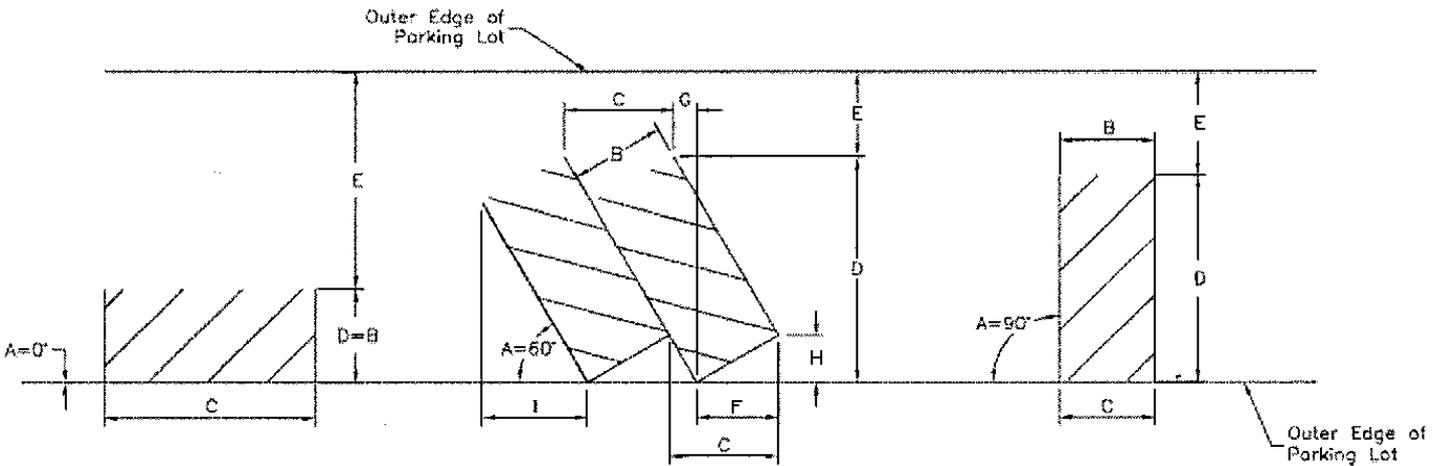
An escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive-through facility. An escape lane may be part of a circulation aisle. (Ord. 3076, 8-11-2014)

10-10-11: MINIMUM STANDARDS FOR PARKING LOT DESIGN:

(A) Design Standards Table And Exhibit:

A	B	C	D	E Driveway Width		F	G	H	I
Parking Angle	Stall Width	Curb Length	Stall Depth	One-Way	Two-Way	Curb Length	Curb Length	Curb Length	Curb Length
A	B	C	D	E Driveway Width		F	G	H	I
Parking Angle	Stall Width	Curb Length	Stall Depth	One-Way	Two-Way	Curb Length	Curb Length	Curb Length	Curb Length

0°	9'0"	23'0"	9'0"	12'0"	24'0"	0'0"	20'0"	9'0"	20'0"
20°	9'0"	26'4"	15'3"	11'0"	24'0"	3'1"	15'8"	8'5"	18'10"
30°	9'0"	18'0"	17'9"	11'0"	24'0"	4'6"	12'10"	7'10"	17'4"
40°	9'0"	14'0"	19'9"	12'0"	24'0"	5'9"	9'6"	6'11"	15'4"
45°	9'0"	12'9"	20'6"	13'0"	24'0"	6'4"	7'9"	6'4"	14'2"
50°	9'0"	11'9"	21'1"	14'0"	24'0"	6'11"	6'0"	5'9"	12'10"
60°	9'0"	10'5"	21'10"	16'0"	24'0"	7'10"	2'2"	4'6"	10'0"
70°	9'0"	9'8"	21'10"	18'0"	24'0"	8'5"	1'7"	3'1"	6'10"
80°	9'0"	9'2"	21'4"	20'0"	24'0"	8'10"	5'5"	1'7"	3'6"
90°	9'0"	9'0"	20'0"	24'0"	24'0"	9'0"	9'0"	0'0"	0'0"



(B) Interior Landscaping Requirements: Any nonresidential parking area that contains twenty (20) or more parking spaces shall provide interior parking lot landscaping, in addition to other required landscaping, as follows:

1. Where an existing parking lot area is altered or expanded to increase the number of spaces to twenty (20) or more, interior landscaping shall be provided on the new portion of the lot in accordance with this section.
2. Landscaped islands shall be located at the terminus of all parking rows. Also, no more than fifteen (15) parking spaces are permitted in a continuous row without being interrupted by a landscaped island.
3. Required landscaped islands shall be a minimum eight feet wide and fifteen feet long (8' x 15') and shall contain at least one tree. Trees shall have a height of at least four feet (4') when planted.
4. Required landscape islands may be grouped, subject to approval by the planning and zoning commission.
5. All landscaped areas shall be protected by a raised six inch (6") concrete curb. Pavement shall not be placed closer than four feet (4') from the trunk of a tree unless a root barrier is provided. (Ord. 3076, 8-11-2014)

10-10-12: REGULATIONS FOR PARKING OVERLAY DISTRICTS:

The purpose of the parking overlay districts is established to accommodate the need for off street parking ratio alternatives in accordance with traffic patterns, ultimate densities and coordinated use of lands within the city. It is intended that the respective districts with which the parking district is combined shall have requirements particular to the land and uses which warrant off street parking variables to be applied.

The following regulations of this section shall apply to all land classified as a "parking district" (P). All uses are permitted in the respective district with which the P district is combined, subject to the provisions of those districts. If any of the regulations specified in this section differ from corresponding regulations specified for a district with which the P district is combined, then the regulations of this district shall govern.

(A) Parking district 1:

1. The boundary of the P1 district is defined as illustrated on the current zoning district map.
2. No off street parking is required within the P1 district as designated for outright permitted uses, but may be required through the special use permit required by the commission or council. This provision does not exempt any use from the requirements for off street loading.

(B) Parking district 2:

1. The boundary of the P2 district is defined as illustrated on the current zoning district map.
2. The off street parking requirement in the P2 district is thirty percent (30%) less than that required outside of the P districts except that household dwellings of less than five (5) units shall provide two (2) spaces per unit. This provision does not exempt any use from the full requirements for off street loading.

(C) Parking district 3:

1. The boundary of the P3 district is defined as illustrated on the current zoning district map.
2. Due to the desire of the city to retain the character of the P3 district special consideration may be given on a case by case basis to the parking requirements, if the standard requirements cannot be applied. Examples of special consideration may be a variance, leased parking, and remote parking. (Ord. 3076, 8-11-2014)

CHAPTER 11

REQUIRED IMPROVEMENTS

SECTION:

10-11-1: Improvements Required

10-11-2: Exceptions

10-11-3: Landscaping

10-11-4: Screening Of Properties

10-11-5: Parking Areas

10-11-6: Right Of Way Improvements

10-11-7: Solid Waste Management

10-11-8: Water And Sewer

10-11-9: Drainage And Stormwater Management

10-11-10: Floodplain Regulations

10-11-11: Reference Codes

10-11-1: IMPROVEMENTS REQUIRED:

The improvements required herein shall be provided whenever a building or structure is constructed, placed, erected or enlarged or when there is a change of use of a building, structure or parcel of land. Unless otherwise provided in this chapter, all required improvements shall be a condition of any building permit and they shall be completed prior to issuance of a Certificate of Occupancy of the building. (Ord. 2024-012, 9-9-2024)

10-11-2: EXCEPTIONS:

(A) Cost Of Improvements: If cost of improvements required by sections 10-11-3 through 10-11-6 of this chapter exceeds twenty five percent (25%) of the cost of the proposed private improvements, an agreement may be negotiated to allow the required improvements to be staged over a period of time not to exceed three (3) years.

(B) Size Of Building Addition Or Modification: Any improvements required by sections 10-11-3 through 10-11-6 of this chapter are not required for minor modifications or additions to existing buildings or structures when the modifications and improvements do not constitute more than a twenty five percent (25%) increase over the square footage of the existing buildings or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, within any three (3) year period from date of completion of other expansion.

(C) Sites With Multiple Buildings: If a single building of a premises containing multiple buildings is expanded over twenty five percent (25%) of that building's square footage but less than a total of twenty five percent (25%) of the combined square footage of all buildings, the improvements required by sections 10-11-3 through 10-11-6 of this chapter shall be provided for the building being expanded only. If the expansion is greater than ten thousand (10,000) square feet or greater than twenty five percent (25%) of the combined footage of all buildings, the improvements required by sections 10-11-3 through 10-11-6 of this chapter shall be provided for the entire premises. (Ord. 2024-012, 9-9-2024)

10-11-3: LANDSCAPING:

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

1. One tree per five hundred (500) square feet of landscaped area. At least fifty percent (50%) of the required trees shall be evergreens. All trees shall have a height of at least four feet (4') when planted.
2. One bush per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the required bushes shall be evergreens.
3. Within required landscaped areas, display of vehicles, trailers, pickup shells, tires, or any other items for sale is prohibited.
 - a. Except upon city approved display pads provided through zoning development agreements (ZDA), or as approved through the special use permit process.
 - b. No such display pads shall be approved within fifteen feet (15') of the sidewalk or future sidewalk.
4. The commission may approve alternative plans or designs to allow innovative landscaping. (Ord. 2012, 7-6-1981)

(B) Approval And Completion:

1. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building. (Ord. 3082, 12-8-2014)
2. A Temporary Certificate of Occupancy may be issued when the landscaping vegetation items are not completed.

3. All landscaping shall be maintained in a manner consistent with the minimum requirements of this section. (Ord. 2850, 2-21-2006; amd. Ord. 2024-012, 9-9-2024)

10-11-4: SCREENING OF PROPERTIES:

(A) Screening Required:

1. Screening shall be required between any residential use and any trade or manufacturing use in abutting zoning districts or any zoning district where both such uses are permitted outright and may be required around any special use. The trade, manufacturing or special use shall provide any required screening. Screening shall not be required if a public trafficway other than a service road separates the two (2) uses. This screening requirement may be waived upon written approval of the adjoining property owner. (Ord. 2550, 6-2-1997)

2. Screening shall be required between an MHP zoning subdistrict and any other zoning district or subdistrict except another MHP or MHS subdistrict and screening may be required between a ZDA or MHS zoning subdistrict and any other zoning district or subdistrict. The zoning subdistrict shall provide any required screening. (Ord. 3082, 12-8-2014)

3. No wrecking yard or wrecking house or junkyard or junk house shall be established unless the same shall be completely surrounded by a fence of wood, concrete or slatted chainlink not less than eight feet (8') in height from the level of the ground and completely obscuring the wreckage and parts therein from outside view. (Ord. 2550, 6-2-1997)

(B) Minimum Standards:

1. Screening shall be a minimum six foot (6') fence or wall or a landscaped area or any combination thereof. If it be a fence or wall it shall be constructed of wood, solid vinyl, metal, concrete or concrete block. If it be a landscaped area, it shall be evergreen bushes or trees and may include an earthen berm. (Ord. 2773, 12-15-2003)

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

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

(C) Exceptions: Screening shall not be constructed so as to create a traffic hazard¹ and it shall conform to the height restric

(D) Approval And Completion:

1. A site plan conforming to the minium requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. All requirements found within the Screening section shall be completed prior to issuance of any Certificate of Occupancy. (Ord. 2124, 10-15-1984; amd. Ord. 2024-012, 9-9-2024)

Notes

¹

10-11-5: PARKING AREAS:

(A) Pedestrian Access: Access to each building shall be provided by connecting the principal entrance into each building to the parking areas intended for the use of the occupants with a sidewalk which is not more than three hundred feet (300') in length. (Ord. 2468, 12-19-1994)

(B) Surfacing: All parking and maneuvering areas shall be hard surfaced with portland concrete or asphaltic concrete surface material. In the M1 and M2 zoning districts, the requirements in section 7-1-20 of this code will apply. (Ord. 2550, 6-2-1997)

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

(D) Lighting: Parking areas that are intended to provide more than eighteen (18) spaces on a single site shall have lighting that will provide at least one foot-candle of light at the ground surface on the entire parking site. Lighting shall be screened so that it does not directly illuminate any adjacent residential uses with more than one-fourth (¹/₄) of a foot-candle and so that it does not create a traffic hazard.

(E) Vehicle Access:

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

2. The city engineer shall establish construction standards for all driveway approaches. The standard depressed curb type approach shall be constructed unless otherwise directed by the city engineer. An arterial street driveway approach, with rounded curbing, may be required by the city engineer when traffic conditions on arterial streets warrant a more rapid entrance and exit through the driveway approach. This decision of the city engineer requiring an arterial street driveway approach may be appealed to the city council. Nothing in this subsection should be construed to prevent the construction of an arterial street driveway approach, if desired by the property owner. (Ord. 2468, 12-19-1994)

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

a. Residential Use Driveway Approaches: Shall not exceed thirty six feet (36'). Joint use drives between two (2) separate properties to serve multi-family residences will be allowed; however, the total width of the curb cut shall not exceed forty feet (40'). There shall be at least thirty two feet (32') between driveways entering a single property ownership and at least eighteen feet (18') of straight curb between the end of a driveway and the end of a corner radius and at least two feet (2') between the end of a driveway and a side property line.

b. Commercial And Manufacturing Use Driveway Approaches: Shall not exceed forty feet (40') nor be less than thirty feet (30') except one-way approaches which shall not be less than twelve feet (12'). There shall be at least thirty two feet (32') of curb between driveways and at least eighteen feet (18') of straight curb between the end of a driveway and the end of a corner radius and at least two feet (2') between the end of a driveway and a side property line. (Ord. 2773, 12-15-2003)

c. Large Trucks And Trailer Accommodation: The city engineer may allow curb cuts up to sixty five feet (65') for commercial or industrial drives where it appears that it is necessary to accommodate large trucks and trailers and to reduce the distance between a commercial or industrial driveway and the side property line to two feet (2') when on street parking is not allowed or not practical due to some existing condition. The public welfare, safety and convenience shall be considered in granting such applications.

d. Additional Driveway Width Allowed: The city engineer may allow additional driveway width under the following conditions: the street is not an arterial or collector street; the traffic generated by the land use is minimal (no high traffic generating retail trade uses, services, residential uses or public assembly as defined in section 10-10-3 of this title); a parking plan is submitted and adhered to that conforms to subsection 10-10-5(B) of this title; and driveways conform to standard slope and height dimensions to control drainage.

(F) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. A Temporary Certificate of Occupancy may be issued when the following Parking Area items have not been completed:

a. Parking stall striping.

b. Hard surfacing: only in areas that are not part of other requirements of this code.

(1) Any area or items needed to meet the minimum code requirements for ADA Accessibility, parking lot layouts (delivery areas, parking spaces, maneuvering areas), and/or stormwater systems shall be installed prior to any Certificate of Occupancy being issued.(Ord. 2468, 12-19-1994; amd. Ord. 2024-012, 9-9-2024)

10-11-6: RIGHT-OF-WAY IMPROVEMENTS:

(A) Adequate Access: No building shall be constructed or erected on a lot in a zoning district unless adequate access to a fifty foot (50') wide minimum standard all weather public trafficway is provided. Said access may be a private drive providing such drive conforms with the following chart:

PRIVATE DRIVEWAY LENGTH

<u>Width</u>	<u>100 Feet</u>	<u>150 Feet</u>	<u>200 Feet</u>	<u>250 Feet</u>	<u>300 Feet</u>
20 feet	8 units	7 units	6 units	n/a	n/a
25 feet	10 units	10 units	8 units	8 units	n/a
30 feet	12 units				

This requirement may be limited to a minimum length of fifty feet (50') for driveways serving not more than three (3) single-family residences within the AG and SUI zoning districts.

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

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

Such a private drive shall be surfaced with Portland concrete or asphaltic concrete. No zoning subdistrict will be allowed that does not have direct access to a fifty foot (50') wide minimum standard all weather paved public trafficway. (Ord. 2850, 2-21-2006)

(B) Curb, Gutter And Sidewalk:

1. New curb, gutter and sidewalk shall be constructed at the expense of the property owner with and at the same time as all new construction or modification of existing buildings in accordance with city standards on all streets, within and adjacent to the development, and in all zoning districts except the AG district, for all land uses except under any one or more of the following conditions:

a. Sidewalks are not required in the SUI, M1 or M2 zoning districts except on arterial streets or areas of high pedestrian traffic. (Ord. 2347, 9-3-1991; amd. Ord. 2796, 6-14-2004)

2. The city engineer may defer the construction of required curb, gutter and/or sidewalk until other curb, gutter and/or sidewalk is constructed adjacent to other lands in the neighborhood under any one or more of the following conditions:

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

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

c. If existing curb, gutter and/or sidewalk is in good repair and to an acceptable line and grade which conforms to the line and grade of other curb, gutter and/or sidewalk in the standard block, it may be retained.

3. Curb, gutter and sidewalk shall not be required or allowed to be constructed or may be deferred if, in the opinion of the city engineer, the improvement would create a traffic hazard or an unusual drainage problem.

(C) Construction Standards For Vertical And Rolled Curb: Both vertical and rolled curb shall be allowed in the city, in accordance with the provisions of this code and in conformance with the standard construction design and specifications for the same, as are on file in the city engineer's office. The most recent construction design and specifications shall prevail.

Standard detail C-2 (4 inch rolled curb) shall be used only when the following applicable conditions have been met:

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

2. On residential cul-de-sac streets in new developments which meet the drainage requirements set forth in subsection (C)1 of this section.

3. On local residential streets in existing developments where no curb or gutter exists in the block under consideration and a study by the city engineering department indicates that the proposed installation will meet the drainage requirements set forth in subsection (C)1 of this section.

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

(D) Restrictive Requirements: In areas where two (2) or more zoning districts or subdistricts abut, and said zoning districts or subdistricts have different public improvement requirements, the council may impose the least restrictive requirements if the council finds that imposition of the least restrictive requirements will further the policies and purposes described in chapter 1 of this title.

(E) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. All requirements found within this section shall be completed, or other financial surety accepted by the City of Twin Falls, prior to issuance of any Certificate of Occupancy. (Ord. 2124, 10-15-1984; amd. Ord. 2024-012, 9-9-2024)

10-11-7: SOLID WASTE MANAGEMENT:

(A) Trash Bins: A trash bin of sufficient size to accommodate all trash or solid waste stored on the premises shall be provided in any zoning district except buildings containing two (2) or less household units.

(B) Enclosure: All trash bins shall be completely surrounded with a well maintained fence or wall that will completely obscure all trash and waste stored in the enclosure. All trash bins shall be visibly screened from adjacent streets and properties. (Ord. 2741, 11-4-2002)

(C) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. A Temporary Certificate of Occupancy may be issued when the following Solid Waste Management items have not been completed:

a. Enclosure of the trash bins. (Ord. 2024-012, 9-9-2024)

10-11-8: WATER AND SEWER:

All buildings intended for human occupancy shall have adequate sanitary facilities. Such facilities shall be connected to an

approved domestic water source conforming to the water regulations of the city and to an approved wastewater system conforming to the wastewater regulations of the city.

(A) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.
2. All requirements found within the Water and Sewer section shall be completed prior to issuance of any Certificate of Occupancy. (Ord. 2012, 7-6-1981; amd. Ord. 2024-012, 9-9-2024)

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10-11-9: DRAINAGE AND STORM WATER MANAGEMENT:

- (A) Best Management Practices: Building sites shall use best management practices (BMPs) to retain as much storm water as possible on the property.
- (B) Highway Drainage: Drainage to a state highway shall be subject to the regulations of the Idaho transportation department. Necessary permits shall be acquired by the developer.
- (C) Road Drainage: Drainage to a road under the care, custody and control of the Twin Falls highway district shall be subject to their regulations. Necessary permits shall be acquired by the developer.
- (D) Drainage To U.S. Waters Or Canals: No drainage shall be allowed from a building site directly to any waters of the United States or to any privately owned canal system.
- (E) Residential Subdivisions:
1. All residential subdivisions shall design and construct storm water retention facility or facilities to retain the 50-year 24-hour rainstorm event. Refer to subsection 10-11-9(C)5c(4) of this chapter to determine the volume requirements.
 2. The storm water shall be detained and released over a forty eight (48) hour period or at a rate that is approved by the Twin Falls canal company or by any other entity that may govern the waterway downstream.
 3. The storm water dischargers releasing water from their retention area shall use best management practices (BMPs) to reduce the amount of pollutants from the water. Discharge water quality shall comply with the most current regulations or standards that may apply.
 4. The retention facilities shall also have an overflow device that can convey the 100-year 24-hour rainstorm event, without damage to the retention facility. This structure should be designed to minimize any downstream safety problems.
 5. Storm sewers shall be placed in a public right of way or minimum fifteen foot (15') wide easement. Easements shall also be required for the retention areas. The city reserves the right to modify the retention facilities to stay in compliance with any state or federal regulation.
- (F) Commercial And Industrial Developments: All commercial and industrial developments shall design and construct storm water retention facilities to retain the 50-year 24-hour rainstorm event. Refer to subsection 10-11-9(C)5c(4) of this chapter to determine the volume requirements. No discharge of storm water will be allowed from these areas.
- (G) Procedure For Review And Approval Of The Storm Water Management Plan:
- Note: Review and approval by the city does not constitute an engineering review of project plans and calculations. The review is for the purpose of ensuring general conformance to city policies and requirements. The submitting engineer is solely responsible for the design. All submissions to the city shall be stamped by a professional engineer registered in the state.

The following shall be submitted to the city:

1. Topographic survey of the development showing all drainage and irrigation water conveyance systems within the area encompassed by a line two hundred feet (200') outside the property line.
2. Peak flow calculations, with peak flows delineated on the drawings.
3. Runoff volume calculations.
4. Plans and profiles of new or modified drainage and irrigation water conveyance systems.
5. Plans, profiles and calculations for storm water retention or detention facilities.
6. Flood routing computations for the 100-year flood through any existing drainage conveyance systems.
7. Maintenance and operation manuals for storm water facilities.
8. Infiltration rates where applicable.

9. Seasonal high ground water table elevations where applicable. This applies when the absorption of stormwater is used as a best management practice.

Note: Facilities using absorption designs shall not intercept the postdevelopment ground water table. The bottom of the facility shall have a minimum four feet (4') vertical separation from the seasonal high ground water elevation and bedrock. The four foot (4') separation between the bottom of the facility and the seasonal high ground water table shall contain a sandy loam material to treat the water prior to entering the ground water. If the best management practices are utilized to pretreat the water prior to discharge into the absorption facility, the requirement for four foot (4') of sandy loam will be waived.

The seasonal high ground water table elevation shall be established and used for the facility design. The elevation of the seasonal high ground water table shall be determined by a monitoring well established at the facility site and monitored during the high ground water season. If available, Twin Falls health department ground water records may be used to establish the probable highest ground water elevation. The high ground water elevation shall be shown on the plans and be referenced to a nearby bench mark, the latitude and longitude of the well shall be shown on the plans. If ground water is encountered during construction of the facility at an elevation higher than that shown on the plans, the facility shall be redesigned to account for the higher elevation.

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

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

(H) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.
2. All requirements found within the Drainage and Storm Water Management section shall be completed prior to issuance of any Certificate of Occupancy. (Ord. 2481, 5-1-1995; amd. Ord. 2024-012, 9-9-2024)

10-11-10: FLOODPLAIN REGULATIONS:

(A) Statutory Authority :

1. The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Council of the City of Twin Falls, Idaho does hereby ordain as follows:

2. Findings Of Fact:

- a. The flood hazard areas of City of Twin Falls are subject to periodic inundation that results in: loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood relief and protection; and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
- c. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

3. Statement Of Purpose: The purpose of this section is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Protect human life, health, and property;
- b. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- c. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
- d. Minimize expenditure of public money for costly flood control projects;
- e. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the

expense of the general public;

- f. Minimize prolonged business interruptions;
- g. Ensure that potential buyers are notified the property is in an area of special flood hazard; and
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

4. Objectives And Methods Of Reducing Flood Losses: In order to accomplish its purpose, this section includes methods and provisions to:

- a. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
- b. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- c. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
- d. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
- e. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

(B) Definitions: Unless specifically defined below, words or phrases used in this section shall be interpreted according to the meaning they have in common usage and which give this section its most reasonable application.

(C) General Provisions:

1. Lands To Which This Section Applies: This section shall apply to all special flood hazard areas within the jurisdiction of City of Twin Falls. Nothing in this section is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

2. Basis For Special Flood Hazard Areas: The special flood hazard areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study (FIS) for City of Twin Falls, dated May 1, 1984, with accompanying flood insurance rate maps (FIRM) or digital flood insurance rate maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this section. The FIS and the FIRM are on file at City of Twin Falls, 203 Main Avenue, East Room 218.

3. Establishment Of Floodplain Development Permit: A Floodplain Development Permit (FDP) shall be required in conformance with the provisions of this section prior to the commencement of any development activities within special flood hazard areas (SFHA) determined in accordance with the provisions of Part (D), Section 2.

4. Compliance: No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable regulations.

5. Abrogation And Greater Restrictions: This section shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this section and another ordinance conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

6. Interpretation: In the interpretation and application of this section all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. Warning And Disclaimer Of Liability: The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the special flood hazard areas (SFHA) or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of City of Twin Falls, or by any officer or employee thereof, for flood damages that result from reliance on this section or an administrative decision lawfully made hereunder.

8. Penalties For Violation: No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this section and other applicable regulations. Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than one hundred and eighty (180) days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Twin Falls from taking such other lawful actions as is necessary to prevent or remedy any violation.

(D) Administration :

1. Designation Of Floodplain Ordinance Administrator:

a. The Assistant City Engineer, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this section.

2. Duties And Responsibilities Of The Floodplain Administrator: The Floodplain Administrator shall perform, but not be limited to, the following duties:

a. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas (SFHA) to assure that the requirements of this section have been satisfied.

b. Review all proposed development within special flood hazard areas (SFHA) to assure that all necessary local, state, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

c. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

e. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of subsection (E) 5. are met.

f. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of subsection (D)3.c.

g. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of subsection (D) 3.c.

h. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of subsection (D) 3.c.

i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of subsection (D) 3.c and (E) 2.b.

j. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (SFHA), floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

k. When base flood elevation (BFE) data has not been provided in accordance with the provisions of subsection (C) 2., obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a federal, state, local, or other source, including data developed pursuant to subsection (E) 3.b.(2), in order to administer the provisions of this section.

l. When base flood elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of division (C) 2., obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a federal, state, local, or other source in order to administer the provisions of this section.

m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area (SFHA) is above the base flood elevation (BFE), advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

n. Permanently maintain all records that pertain to the administration of this section and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

o. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

p. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this section, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing

the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.

r. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

s. Follow through with corrective procedures of subsection (D) 4.

t. Review, provide input, and make recommendations for variance requests.

u. Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of subsection (C) 2. of this section, including any revisions thereto including letters of map change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of the community's mapping needs.

v. Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).

3. Floodplain Development Application, Permit, And Certification Requirements:

a. Application Requirements: Application for a floodplain development permit (FDP) shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas (SFHA). The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

A. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

B. The boundary of the special flood hazard area (SFHA) as delineated on the FIRM or other flood map as determined in subsection (C) 2., or a statement that the entire lot is within the special flood hazard area;

C. The flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in subsection (C) 2.;

D. The boundary of the floodway(s) or flood fringe area(s) as determined in Part (C) Section 2;

E. The base flood elevation (BFE) where provided as set forth in subsections (C) 2., (C) 3., or (E) 3.;

F. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(2) Proposed elevation, and method thereof, of all development within a special flood hazard area (SFHA), including but not limited to:

A. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and

C. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(3) If floodproofing, a floodproofing certificate (FEMA Form 086-0-33) with supporting data; an operational plan; and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this section are met. These details include but are not limited to:

A. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and

B. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with subsection (E) 2.d. (1) - (4) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.

(5) Usage details of any enclosed areas below the lowest floor.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

(7) Certification that all other local, state, and federal permits required prior to floodplain development permit issuance have been received.

(8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure

that the provisions of subsection (E) 2.f. and g. of this section are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

(10) A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

b. Permit Requirements: The floodplain development permit (FDP) shall include, but not be limited to:

(1) A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

(2) The special flood hazard area (SFHA) determination for the proposed development in accordance with available data specified in subsection (C) 2.

(3) The flood protection elevation (FPE) required for the lowest floor and all attendant utilities.

(4) The flood protection elevation (FPE) required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.

(8) All floodplain development permits shall be conditional upon the start of construction of work within one hundred eighty (180) days. A floodplain development permit (FDP) shall expire one hundred and eighty (180) days after issuance, unless the permitted activity has commenced as per the start of construction definition.

(9) A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).

(10) A statement that all materials below BFE/FPE must be flood resistant materials.

c. Certification Requirements:

(1) Elevation Certificates:

A. A Construction drawings elevation certificate (FEMA Form 86-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

B. A building under construction elevation certificate (FEMA Form 86-0-33) is required after the lowest floor is established. Within seven (7) calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

C. A final as-built finished construction elevation certificate (FEMA Form 86-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(2) Floodproofing Certificate: If non-residential floodproofing is used to meet the flood protection elevation requirements, a floodproofing certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan, are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(3) If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more

than thirty-six (36) inches in height above grade, an engineered foundation certification is required, in accordance with the provisions of subsection (E) 2.c.(2).

(4) If a watercourse is to be altered or relocated, the following shall all be submitted to the Floodplain Administrator by the permit applicant prior to issuance of a floodplain development permit (FDP):

A. A description of the extent of watercourse alteration or relocation; and

B. A professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

C. A map showing the location of the proposed watercourse alteration or relocation; and

D. An Idaho stream channel alteration permit.

(5) Certification Exemptions: The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in subsections (D)3. a. and b. of this section:

A. Recreational vehicles meeting requirements of subsection (E) 2.e.(1);

B. Temporary structures meeting requirements of subsection (E) 2.f.; and

C. Accessory structures less than two hundred (200) square feet meeting requirements of subsection (E) 2.g.

d. Determinations For Existing Buildings And Structures: For applications for building permits to improve buildings and structures (including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures), the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value or require the applicant to obtain an appraisal of the market value, prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, and the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

4. Corrective Procedures:

a. Violations To Be Corrected: When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

b. Actions In Event Of Failure To Take Corrective Action: If the owner of a building or property fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(1) That the building or property is in violation of the floodplain management regulations (FMR);

(2) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building, or to remove fill, as applicable.

c. Order To Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the flood damage prevention ordinance (FDPO), he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

d. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

e. Failure To Comply With Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

5. Variance Procedures:

a. The City Council of Twin Falls, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this section.

b. Variances may be issued for:

(1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

(2) Functionally dependent facilities, if determined to meet the definition as stated in subsection (B) of this section, provided provisions of subsection (D) 5. i.ii, iii, and v, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or (note these refs are incomplete)

(3) Any other type of development, provided it meets the requirements of this section.

c. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other subsections of this section, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location as defined under subsection (B) of this section as a functionally dependent facility, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

d. The applicant shall include a written report addressing each of the above factors in subsection (D), 5. c. (1) - (9) with their application for a variance.

e. Upon consideration of the factors listed above and the purposes of this section, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this section.

f. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

g. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the State of Idaho, upon request.

h. Conditions For Variances:

(1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(2) Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued prior to development permit approval.

(5) Variances shall only be issued upon:

A. A showing of good and sufficient cause;

B. A determination that failure to grant the variance would result in exceptional hardship; and

C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

i. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas (SFHA), provided that all of the following conditions are met:

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the special flood hazard area (SFHA).

(3) The lowest floor of any structure is elevated or floodproofed to at least the flood protection elevation (FPE).

(4) The use complies with all other applicable federal, state and local laws.

j. The City of Twin Falls will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

k. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

(E) Provisions For Flood Hazard Reduction:

1. General Standards: In all special flood hazard areas (SFHA), the following provisions are required:

a. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

b. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency (FEMA).

c. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.

d. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the flood protection elevation (FPE). These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

f. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

h. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:

(1) Be constructed entirely of flood resistant materials at least to the Flood Protection Elevation (FPE); and

(2) Include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

A. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

B. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

C. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

D. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;

E. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

F. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

i. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this section, shall meet the requirements of "new construction" as contained in this section.

j. Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this section and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the flood protection elevation (FPE) in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.

k. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in subsection (D) 5.i. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area (SFHA) only if the structure or tank is either elevated or floodproofed to at least the flood protection elevation and certified in accordance with the provisions of subsection (D) 3.c.

l. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

m. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

n. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

o. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

p. When a structure is partially located in a special flood hazard area (SFHA), the entire structure shall meet the requirements for new construction and substantial improvements.

q. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation (BFE) shall apply.

2. Specific Standards: In all special flood hazard areas (SFHA) where base flood elevation (BFE) data has been provided, as set forth in subsections (C) 2., or (E) 4., the following provisions, in addition to the provisions of subsection (E) 1., are required:

a. Residential Construction: New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section.

b. Nonresidential Construction: New construction, substantial improvements, and development of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the flood protection elevation (FPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the flood protection elevation (FPE) are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with subsection (E) 6.b. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in subsection (D) 3.c, along with the operational plan and the inspection and maintenance plan.

c. Manufactured Homes:

(1) New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six inches (36") or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six inches (36") in height, an engineering certification is required.

(3) All enclosures or skirting below the lowest floor shall meet the requirements of subsection (E) 2.d.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

d. Additions/Improvements:

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

A. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

A. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a ten (10) year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this section. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

A. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or

B. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

e. Recreational Vehicles: Recreational vehicles shall be either:

(1) Temporary Placement: Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) Permanent Placement: Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction, as set forth in subsection (E) 1.

f. Temporary Nonresidential Structures: Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(1) A specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;

(2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(5) Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

g. Accessory Structures: When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area (SFHA), elevation or floodproofing certifications are required for all accessory structures in accordance with subsection (D) 3.c, and the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

- (2) Accessory structures shall not be temperature-controlled;
- (3) Accessory structures shall be designed to have low flood damage potential;
- (4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory structures shall be firmly anchored in accordance with the provisions of subsection (E) 1.a.
- (6) All service facilities, such as electrical, shall be installed in accordance with the provisions of subsection (E) 1.d; and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of subsection (E) 2.d.(4).

An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of seven thousand five hundred dollars (\$7,500.00) or less and satisfies the criteria outlined in 2. a. through g. above is not required to meet the elevation or floodproofing standards of subsection (E) 2.b.

h. Tanks: When gas and liquid storage tanks are to be placed within a special flood hazard area (SFHA), the following criteria shall be met:

- (1) Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
- (2) Elevated above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (3) Not elevated above-ground tanks that do not meet the elevation requirements of subsection (E) 2.b of this section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (4) Tank inlets, fill openings, outlets, and vents shall be:
 - A. At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

i. Construction Of Below-Grade Crawlspace:

- (1) The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).
- (2) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
- (3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- (4) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

See Technical Bulletin 11 for further information.

Caution:

Buildings that have below-grade crawlspaces may have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the base flood elevation (BFE).

j. Other Development In Regulated Floodways And Flood Fringe:

- (1) Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of subsection (E) 2.b. of this section.
- (2) Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.
- (3) Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of subsection (E) 5. of this section.
- (4) Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.

(5) Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.

k. Subdivision Plats in Flood Zones:

(1) A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two (2) or more flood zones intersect over the property or properties being surveyed.

(2) FEMA FIRM panel(s): #160xxxxxC, & 160xxxxxE, etc.

FIRM effective date(s): mm/dd/year

Flood Zone(s): Zone X, Zone A, Zone AE, A Zone AO, Zone, AH, Zone D, etc.

Base Flood Elevation(s): Example: (AE _____.0 ft., etc.)

Flood Zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by _____ chapter/section of the City Code 10-11-9(C)1.

l. Critical Facilities: As a best practice, FEMA recommends protection that exceeds code minimums. For example, FEMA 543, Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007) recommends protecting critical facilities to withstand at least a 0.2-percent-annual-chance flood event (often called the "500-year flood event"). Flood elevations for the 0.2-percent-annual-chance flood may be greater than the elevation specified by ASCE 24. If federal funding or other Federal action is involved, the requirements of Executive Order 11988 – Floodplain Management may necessitate protection of critical actions to the 500-year flood elevation (critical actions may include the construction and repair of critical facilities).

3. Standards For Floodplains Without Established Base Flood Elevations: Within the special flood hazard areas designated as Zone A (also known as Unnumbered A Zones) and established in subsection (C) 2., where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of subsection (E) 1., shall apply:

The BFE used in determining the flood protection elevation (FPE) shall be determined based on the following criteria:

a. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section and shall be elevated or floodproofed in accordance with standards in subsections (E) 1. and 2.

b. When floodway or flood fringe data is available from a federal, state, local or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of subsections (E) 2. and 5.

c. All subdivision, manufactured home park, and other development proposals shall provide base flood elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with subsection (C) 2. and utilized in implementing this section.

d. When base flood elevation (BFE) data is not available from a federal, state, local, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two (2) feet above the highest adjacent grade (HAG) at the building site or to the flood protection elevation (FPE), whichever is higher, as defined in subsection (B). All other applicable provisions of subsection (E) 2. shall also apply.

4. Standards For Riverine Floodplains With Base Flood Elevations But Without Established Floodways Or Flood Fringe Areas:

Along rivers and streams where base flood elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

a. Standards of subsections (E) 1. and 2.; and

b. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

5. Standards For Floodways And Flood Fringe Areas: Areas designated as floodways or flood fringe areas are located within the special flood hazard areas established in subsection (C) 2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in subsections (E) 1. and 2., shall apply to all development within such areas:

a. No encroachments, including fill, new construction, substantial improvements, and other developments shall be

permitted unless:

(1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

(2) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.

b. If subsection (E) 5.a. is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this section.

c. Manufactured homes may be permitted provided the following provisions are met:

(1) The anchoring and the elevation standards of subsection (E) 2.c.; and

(2) The encroachment standards of subsection (E) 5.a.

6. Standards For Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH): Located within the special flood hazard areas (SFHA) established in subsection (C) 2., are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to subsection (E) 1. and 2., all new construction and substantial improvements shall meet the following requirements:

a. The lowest floor shall be elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.

b. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in subsection (E) 6.a. so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with subsections (D) 3.c, and (E) 2.b.

c. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

(F) Stormwater Management:

1. Any applicant for a building permit shall furnish satisfactory engineering data to allow the city engineer to ascertain that any proposed construction will comply with the following drainage criteria:

a. A conceptual drainage plan shall be presented and approved with the preliminary plat or site plan. A drainage study shall be submitted and approved before any improvement plans are reviewed.

b. The drainage study shall be prepared by a civil engineer registered in the state. Refer to section 10-11-8 of this chapter for additional drainage requirements.

c. The drainage study and conceptual plan shall be submitted under the following concepts:

(1) Drainage Patterns: Drainage flows of all frequencies should enter and depart from the property to be developed in substantially the same manner as predevelopment conditions.

(2) Street Relationships/Emergency Access: All lots, structures, etc., within a development shall be accessible by at least one route during a 100-year storm with a maximum street water depth of one foot (1'). In all cases, the flow of water shall be contained within rights of way.

2. In order to reduce the storm runoff as much as feasible, retention facilities shall be sized for local (on site) stormwater using the following procedures:

a. The design frequency shall be the fifty (50)-year storm, using the twenty four (24)-hour rainfall depth "D" as determined from the National Weather Service's isopluvials for Idaho. For the Twin Falls area the twenty four (24)-hour rainfall on a fifty (50)-year storm frequency is 1.9 inches.

b. Volume requirements for the retention facility are calculated by the following method:

$$V_t = \frac{1.9 A}{12}$$

V_t = Volume required (acre-feet)

1.9 = 24 hour rainfall depth (inch) on a 50-year storm frequency

A = Tributary area

c. Where possible, the retention facility shall have four to one (4:1) side slopes.

(G) Legal Status Provisions:

1. Effect On Rights And Liabilities Under The Existing Flood Damage Prevention Ordinance: This section, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted July 6, 1981 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this section shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of City of Twin Falls enacted on July 6, 1981, as amended, which are not reenacted herein are repealed.

2. Effect Upon Outstanding Floodplain Development Permits: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit (FDP) has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this section. Provided, however, that when construction is not begun under such outstanding permit within a period of one hundred and eighty (180) days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this section.

(H) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. All requirements found within the Flood Plain regulations section shall be completed prior to issuance of any Certificate of Occupancy. (Ord. 2019-002, 10-14-2019; amd. Ord. 2024-012, 9-9-2024)

10-11-11: REFERENCE CODES:

(A) Resolutions: Resolutions of the council that pertain to required improvements are 1167, 1168 and 1182 and their current amendments. The provisions of said resolutions shall supersede any conflict with conditions set forth in this title.

(B) Ordinances: Ordinances of the city that pertain to required improvements are 1758 (title 8, chapter 5 of this code), 1783 (title 7, chapter 6 of this code) and 1784 (title 7, chapter 6 of this code) and their current amendments. The provisions of said ordinances shall supersede any conflict with conditions set forth in this title. (Ord. 2045, 7-6-1982; amd. Ord. 2024-012, 9-9-2024)

CHAPTER 12

GENERAL SUBDIVISION PROVISIONS

SECTION:

10-12-1: General Subdivision Provisions

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10-12-1: GENERAL SUBDIVISIONS PROVISIONS:

10-12-1-1: AUTHORITY:

These regulations are authorized by Title 50, Chapter 13 of the Idaho Code; Title 67, Chapter 65 of the Idaho Code; and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

10-12-1-2: PURPOSE:

The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:

- (A) The harmonious development of the area;
- (B) The coordination of streets and roads within the subdivision with other existing or planned streets and roads;
- (C) Adequate open space for travel, light, air and recreation;
- (D) Adequate transportation, water drainage and sanitary facilities;
- (E) The avoidance of scattered subdivision of land that would result in either of the following:
 - 1. The lack of water supply, sewer service, drainage, transportation or other public services; and
 - 2. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- (F) The requirement as to the extent and the manner in which:
 - 1. Roads shall be created and improved; and
 - 2. Water and sewer and other utility mains, piping connections or other facilities shall be installed.
- (G) The manner and form of making and filing of any plat; and
- (H) The administration of these regulations by defining the powers and duties of approval authorities.

10-12-1-3: JURISDICTION:

These regulations shall apply to the subdividing of land within the corporate limits of the City including the property within one mile outside the corporate limits thereof. They shall also apply to the "area of impact" as established by agreement between the City and County in conformance with State law ¹ .

Notes

- ¹ 1. I.C. 67-6526.

10-12-1-4: INTERPRETATION:

All subdivisions as herein defined shall be submitted for approval by the Council and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.

10-12-1-5: ADMINISTRATION:

The administration of this Title shall be conducted by the Administrator ¹ . The Administrator shall be appointed by the City Manager and the appointment shall be ratified by the Council.

Notes

- ¹ 1. See Section 10-17-1 of this Code.

10-12-2: PROCEDURE FOR SUBDIVISION APPROVAL:

10-12-2-1: SUBDIVISION APPROVAL REQUIRED:

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Administrator on forms as provided by the City. No final plat shall be filed with the County Recorder or improvements made on the property until the plat has been acted upon by the Planning and Zoning Commission ¹ as approved by the Council. No lots shall be sold until the plat has been recorded in the office of the County Recorder.

Notes

- ¹ 2. See Section 10-17-2 of this Code.

10-12-2-2: PRE-APPLICATION:

- (A) Application: The subdivider shall submit a pre-application to enable the Administrator to review and comment on the

proposed subdivision. The pre-application shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form and include the following:

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

(B) Fee: None required.

(C) Administrator Action: The Administrator shall notify the subdivider within fifteen (15) days from the date of receiving an acceptable pre-application as to the general conformance or nonconformance of the proposal with this Title, and shall provide the necessary forms and check lists, as well as the additional following consideration:

1. Compliance of the proposed development with existing local or state policies, goals and objectives or comprehensive plans;
2. Determination if additional special permits or ordinance conflicts, such as rezone, special development permit or variance are needed and the manner of coordinating such permits;
3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated as areas of critical environmental concern, unique plant or animal life and floodplains; and
4. Consideration of other local and state agencies that the subdivider should contact before preparing a preliminary plat. (Ord. 2012, 7-6-1981)

10-12-2-3: PRELIMINARY PLAT:

(A) Application: The subdivider shall file with the administrator a complete subdivision application form and preliminary plat date as required in this title.

(B) Combining Preliminary And Final Plats: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:

1. The proposed subdivision does not exceed ten (10) lots;
2. No new street dedication or street widenings are involved;
3. No major special development considerations are involved, such as development in a floodplain or a hillside development; and
4. All required information for both preliminary and final plat is complete and in an acceptable form.

A request to combine both preliminary plat and final plat into one application shall be acted upon by the commission after receiving a recommendation by the administrator. (Ord. 2012, 7-6-1981)

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

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

1. Ten (10) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each copy of the preliminary plat shall be on good quality paper, shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the drafting date and a north arrow.
2. A written application requesting approval of the preliminary plat. (Ord. 2620, 8-2-1999)
3. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, zoning development agreement, floodplain, cemetery, mobile home, large scale development, hazardous and unique areas of development. (Ord. 3082, 12-8-2014)
4. To ensure adequate water supply to each new subdivision/development, all subdivision/development preliminary plat applications to the city will include water modeling results which indicates the new subdivision/development can be developed in a manner that will provide adequate water supply for domestic water and fire protection and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate domestic water and fire protection to the existing water system users.
5. To ensure adequate sewer treatment service by the city, each subdivision/development preliminary plat application to the city will include sewer service treatment modeling results which indicates the new subdivision/development can be developed in a manner that will provide adequate sewer service and sewer treatment capacity by the city and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate sewer treatment capacity to the existing sewer system users.
6. The cost of the water and sewer modeling will be the responsibility of the developer. (Ord. 2620, 8-2-1999)

(D) Requirement Of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted

separately together with any other pertinent information requested by the administrator:

1. The name of the proposed subdivision, which does not duplicate the name of any other subdivision in Twin Falls County.
2. The names, addresses and telephone numbers of the subdividers, the engineer or surveyor who prepared the plat, and any other professional persons involved in the subdivision.
3. The names and addresses of all surrounding property owners both adjacent to and beyond any public thoroughfares from the subject property on record in the County Assessor's office.
4. The legal description of the subdivision by section, township and range.
5. A statement of the intended use of the proposed subdivision, such as: residential single-family, two-family and multiple housing, commercial, industrial, recreational or agricultural and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.
6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
7. A vicinity map showing the relationship of the proposed plat to the surrounding area (covering at least a 4 square mile area).
8. The land use and existing zoning of the proposed subdivision and the adjacent land.
9. Existing streets, street names, rights of way and roadway widths, including adjoining streets or roadways, along with type of surface and the existence of any curb-gutter and/or sidewalks.
10. Approximate location and length of the boundary lines of each lot, parcel or site and the proposed lot and block numbers. Approximate acreage enclosed by subdivision.
11. Contour lines, shown at five foot (5') intervals where land slope is greater than twenty percent (20%) and at two foot (2') intervals where land slope is twenty percent (20%) or less, referenced to an established bench mark of the City vertical control system, including its location and elevation.
12. A site report as required by the appropriate health district where individual wells or septic tanks are proposed.
13. Location, size and direction of flow of all existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants, gas lines, power, telephone and streetlights. If utilities are not on or adjacent to the property, indicate direction and distance to nearest ones that can serve the subdivision.
14. A copy of any proposed restrictive covenants and/or deed restrictions.
15. Any dedications to the public and/or easements both public and private, together with a statement of location, dimensions and purpose of such on both, the subject property and surrounding properties.
16. Any additional required information for special developments as specified in this Title 1 .
17. A statement as to whether or not any variance will be requested with respect to any provision of this Title describing the particular provision, the variance requested, and the reasons therefor.
18. Location, right-of-way width and name of all public or private traffic ways, the location, right-of-way width and use of any proposed public or private pedestrianways or special ways, and a statement of intended improvements to be made thereto.
19. A statement as to what improvements will be made to existing utilities and what other on-site improvements will be made.
20. Approximate lot corner and easement locations of all adjacent subdivisions. (Ord. 2012, 7-6-1981)
21. Location, size and direction of flow of all drainage, irrigation, sewer and water line improvements which will be part of the subdivision development. (Ord. 2570, 11-17-1997)
22. For additional drainage requirements see Section 10-11-8 of this Title. (Ord. 2481, 5-1-1995)

(E) Fees: A fee for processing and checking a preliminary plat shall be due at the time upon submittal of the preliminary plat to the Administrator. The amount of the fee shall be established by resolution of the Council. (Ord. 2012, 7-6-1981)

(F) Administrator Review:

1. Certification: Upon receipt of the preliminary plat, and all other required data as provided for herein, the Administrator, after review by the City Engineering Department, shall certify the application as complete and shall affix the date of application acceptance thereon. He shall, thereafter, place the preliminary plat on the agenda for consideration at the next regular meeting of the Commission. One copy of the preliminary plat shall be delivered by the subdivider to each member of the Commission at least five (5) days prior to the meeting for plat consideration.
2. Review By Other Agencies: The Administrator shall refer the preliminary plat and application to as many agencies as

deemed necessary. Such agencies may include the following:

- a. Other governing bodies having joint jurisdiction;
- b. The appropriate utility companies, irrigation companies or districts and drainage districts;
- c. The superintendent of the school district; and
- d. Other agencies having an interest in the proposed subdivision.

3. Recommendation: Upon expiration of the time allowance for department and agency review, the Administrator shall prepare a recommendation to the Commission. (Ord. 2620, 8-2-1999)

(G) Notification To Property Owners: The subdivider shall certify to the Administrator that he has notified all adjoining property owners of the proposed subdivision. Such written notification shall be mailed at least ten (10) days prior to the Commission meeting.

(H) Commission Action:

1. Hearing By Commission: The Commission shall review the preliminary plat, comments from the concerned persons and agencies and the report from the Administrator to arrive at a decision on the preliminary plat.

2. Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan;
- b. The availability of public services to accommodate the proposed development;
- c. The continuity of the proposed development with the capital improvement program;
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

3. Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove or table for additional information when acting on the preliminary plat. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action, and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The Administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for its information and record. Upon granting or denying a preliminary plat the Commission shall specify:

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

4. Action On Combined Preliminary And Final Plat: If the Commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final subdivision, then a recommendation shall be forwarded to the Council in the same manner as herein specified for a final plat. The commission may recommend that the combined application be approved, approved conditionally or disapproved. (Ord. 2012, 7-6-1981)

(I) Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application by the administrator within two (2) years after action by the commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the commission. Only one extension may be granted by the commission for a term of two (2) years.

2. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years may be considered for final approval without resubmission for preliminary plat approval. (Ord. 3006, 7-25-2011)

Notes

- ¹ 1. See Section 10-12-5 of this Chapter.

10-12-2-4: FINAL PLAT:

(A) Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator three (3) copies of the final plat. (Ord. 2012, 7-6-1981)

(B) Content Of The Final Plat: The final plat shall include and be in compliance with all items required under title 50,

chapter 13 of the Idaho Code and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen inch by twenty seven inch (18" x 27") stable base drafting film with a minimum base thickness of three thousandths inches (0.003"). The plat shall have a three inch (3") margin at the left for binding and a one-half inch ($\frac{1}{2}$ ") margin on all other sides. No part of the drawing shall be nearer than one-half inch ($\frac{1}{2}$ ") to the margins. The reverse of said sheet shall not be used. If, because of the size or complexity, required information cannot be shown, additional sheets may be used, provided they conform to this chapter. The final plat shall include at least the following:

1. A written application for approval of such final plat as stipulated by the commission.
2. Proof of current ownership of the real property included in the proposed final plat.
3. Such other information as the administrator or commission may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
5. Conformance with all requirements and provisions of this title.
6. Acceptable engineering practices and local standards established by the administrator. (Ord. 2391, 8-17-1992)

(C) Fees: At the time of submission of an application for a final plat, a fee as established by resolution of the council shall be paid. (Ord. 2012, 7-6-1981)

(D) Administrator Review:

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

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

3. Submission To The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall place the final plat on the council agenda at the next regular meeting. (Ord. 2620, 8-2-1999)

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

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

1. The regulations and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval. (Ord. 2012, 7-6-1981)

(G) Plans And Specifications: Prior to recording the final subdivision plat, the subdivider shall submit to the administrator:

1. Approved copies of the final plans and specifications for streets, water, sewer, stormwater, parks, gravity irrigation and pressure irrigation systems. All plans and specifications shall have sufficient detail, written information, vertical and horizontal dimensions to accurately locate the proposed improvements in the field and determine their relationship to other improvements. The city engineer shall establish standards.

2. Financial guarantee of improvements pursuant to section 10-12-4-3 of this chapter.
3. An approved weed management plan.
4. Certification of water and sewer plan approval from the Idaho department of environmental quality.
5. Street and utility plan approval from the Idaho department of transportation, as required.
6. Street and utility plan approval from the Twin Falls highway district, as required.
7. Gravity irrigation system plan approval from the Twin Falls canal company, as required.
8. An executed improvement agreement for developers.
9. Certification of the notice of intent and stormwater pollution prevention plan filed with the United States EPA.

10. A recorded warranty deed to the city of Twin Falls for water shares equal to one share per acre for new residential developments (2 acres or larger), and such other number of shares as agreed to between the city and the developer. (Ord. 2850, 2-21-2006)

(H) Fees: At the time of submittal of plans and specifications a fee to defray costs and expenses of plan checking as provided for by resolution of the city council shall be paid. (Ord. 2012, 7-6-1981)

(I) Approval Period: Final plat shall be filed with the county recorder within two (2) years after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the council. Only one extension may be granted by the council for a term of two (2) years. (Ord. 3006, 7-25-2011)

(J) Method Of Recording: Upon approval of the final plat by the council, the subdivider's prepayment of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of the following signatures on the final plat, the administrator shall submit the final plat to the county recorder for recording:

1. Certification and signature of the city council verifying that the subdivision has been approved;
2. Certification and signature of the city clerk, if required, and the city engineer verifying that the subdivision meets the city requirements and has been approved by the council; and
3. Certification of the sanitation restrictions on the face of the plat per section 50-1326, Idaho Code. (Ord. 2012, 7-6-1981)

10-12-2-5: CONVEYANCE PLATS:

(A) Purpose; Intent: A conveyance plat may be used for the purpose of subdividing land and the recording of same, or recording a single existing lot or parcel created by other means. A conveyance plat may be used to convey the property or interests therein; however, a conveyance plat does not constitute approval for development of the property and is not intended for immediate development. A conveyance plat is an interim step in the subdivision and development of land. (Ord. 2901, 4-16-2007)

(B) Conveyance Plats: The applicant may request that the subdivision application be processed as conveyance plat if the following exist:

1. The proposed subdivision does not exceed two (2) lots.
2. To record the remainder of a tract created by the final platting of a portion of the property provided that the remainder is not intended for immediate development.
3. To record the subdivision of property into parcels that is not intended for immediate development. All public rights of way and easements shall be dedicated. The council may require all abutting streets and utilities to be installed and accepted by the city at the time of the building permitting and/or development stage, whichever comes first.
4. If either parcel develops or is built on, the city council may require construction of street and utility improvements on both parcels. (Ord. 3098, 6-22-2015)

(C) Application: The subdivider shall submit to the administrator three (3) copies of the conveyance plat for review. After the approval by the administrator, the subdivider may cause the total parcel to be surveyed, and a plat to be prepared. The subdivider shall submit the plat.

The conveyance plat shall include at least the following:

1. A written application for approval of such conveyance plat as stipulated by the administrator.
2. Proof of current ownership of the real property included in the proposed plat.
3. Such other information as the administrator or city council may deem necessary to establish whether or not all proper parties have signed and/or approved said plat.
4. Conformance with all requirements and provisions of this title.
5. Acceptable engineering practices and local standards established by the administrator.
6. All conveyance plats shall include the following note:

A conveyance plat is a record of property approved by the City of Twin Falls, Idaho, for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued until a final plat is approved, filed of record and public improvements accepted in accordance with the provisions of Title 10 of the City of Twin Falls City Code. Selling a portion of this property by metes and bounds, except as shown on an approved, filed and accepted conveyance plat is a violation of City Code.

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

(E) Administrator Review:

1. Acceptance: Upon receipt of the conveyance plat and compliance with all other requirements as provided for herein,

the administrator, after review by the city engineering department, shall certify the application as complete and shall affix the date of acceptance thereon.

2. Submission To The Council: Upon the determination that the conveyance plat is in compliance and all conditional requirements have been met, the administrator shall place the conveyance plat on the council agenda at the next regular meeting.

(F) Agency Review: The administrator may transmit one copy of the conveyance plat, or other documents submitted, for review and recommendation to the departments and the agencies as he deems necessary to ensure compliance.

(G) Council Action: The council shall approve, approve conditionally, disapprove or table the conveyance plat for additional information. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the plat, the council shall specify:

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

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

(I) Platting Rules: The subdivider shall follow all the state and local platting rules when recording the plat. Refer to section 10-12-2-4 of this chapter for additional information and requirements. (Ord. 2901, 4-16-2007)

10-12-3: DESIGN STANDARDS:

10-12-3-1: MINIMUM DESIGN STANDARDS REQUIRED:

All plats submitted pursuant to the provisions of this section, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth hereinafter in this chapter; provided, however, that any higher standards adopted by any highway district, state highway department or health agency shall prevail over those set forth herein. (Ord. 2012, 7-6-1981)

10-12-3-2: DEDICATION OF STREETS:

Within a proposed subdivision arterial and collector streets as shown on a comprehensive plan, shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use. (Ord. 2012, 7-6-1981)

10-12-3-3: STREET LOCATION:

Street and road location shall conform to the following:

(A) Street Location And Arrangements: All street locations shall conform to the Twin Falls master street plan where applicable. Collector type streets may, for aesthetic reasons, curve and wind in accordance with these standards, but such trafficways shall maintain a grid type pattern approximately one-fourth ($\frac{1}{4}$) of a mile square.

(B) Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. A vehicular nonaccess reserve strip may be required and held in public ownership. Temporary cul-de-sacs shall be required.

(C) Relation To Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.

(D) Alleys: Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off street loading and parking. Dead end alleys shall be prohibited in all cases. (Ord. 2139, 3-4-1985)

(E) Cul-De-Sac Streets: Cul-de-sac streets shall not be more than one thousand feet (1,000') in length and shall terminate with an adequate turnaround having a minimum radius of fifty feet (50') for right of way. (Ord. 2489, 6-5-1995)

(F) Half Streets: Half streets shall be prohibited, except where unusual circumstances make such necessary to the reasonable development of a tract, special justification shall be presented for variance request to the commission. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract. A vehicular nonaccess reserve street may be required and held in public ownership.

(G) Private Streets: Private streets and roads shall be prohibited within a subdivision, except as provided by subsection 10-11-5(A) of this title, but may be allowed in subdistricts providing the private streets conform to city standard drawing S-5. Access from interior subdivision lots to public streets may be allowed by private drives conforming to subsection 10-11-5(A) of this title. (Ord. 2139, 3-4-1985)

10-12-3-4: STREET SPECIFICATIONS:

(A) Street Right Of Way Widths: Street and road right of way widths shall conform to the adopted major street plan or comprehensive plan and the rules of the state department of highways and the highway district having jurisdiction; minimum right of way standards shall be in accordance with section 10-12-3-13 of this chapter.

(B) Street Grades: Street grades shall not exceed ten percent (10%) on either local or collector streets and six percent

(6%) for arterial streets. Minimum street grades shall be four-tenths percent (0.4%).

(C) Street Alignment: Street alignment shall be as follows:

1. Horizontal alignment: Shall be in accordance with section 10-12-3-13 of this chapter.

2. Vertical alignment: Minimum stopping sight distances shall be two hundred feet (200') for minor streets and designed in accordance with design speed for collector and arterial streets. (Ord. 2012, 7-6-1981)

10-12-3-5: STREET NAMES ¹ :

The naming of streets shall conform to the following:

(A) Street names shall not duplicate any existing name within the limits of this title except where a new street is a continuation of an existing street. Street names if spelled differently but sound the same as existing streets shall not be used.

(B) All new streets shall be named as follows: Streets having predominantly north-south direction shall be named "street" or "way"; streets having a predominantly east-west direction shall be named "avenue" or "road"; meandering streets shall be named "drive", "lane", "path" or "trail" and cul-de-sacs shall be named "circle", "court" and "place".

(C) When any new subdivision contains any street which is a continuation of any street, such new street shall take the name of such existing street. No new street not a continuation of an existing street shall be given the same or similar name of any existing street. The city engineer shall have the power to change the name of any street on any map or plat submitted to make such map or plat conform to the provisions of this section. (Ord. 2132, 12-17-1984)

Notes

¹ 1. See also section 8-1-3 of this code.

10-12-3-6: INTERSECTIONS:

(A) Angle Of Intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than seventy degrees (70°).

(B) Sight Triangles: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred feet (100') from the center of the intersection. (See section 9-9-16 of this code.)

(C) Number Of Streets: No more than two (2) streets shall cross at any one intersection.

(D) T Intersections: T intersections may be used wherever such design will not restrict the free movement of traffic.

(E) Centerline Off Sets: Street centerlines shall be off set by a distance of at least one hundred twenty five feet (125').

(F) Vertical Alignment Of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain will be permitted. (Ord. 2012, 7-6-1981)

10-12-3-7: PEDESTRIAN WALKWAYS:

Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas; the pedestrian easement shall be in accordance with section 10-12-3-13 of this chapter. Cul-de-sacs will be connected to other adjacent streets with cul-de-sacs within the proposed subdivision or existing subdivisions and to adjacent arterial or collector streets with paved pedestrian walkways at least ten feet (10') wide within fifteen foot (15') easements. (Ord. 2798, 8-2-2004)

10-12-3-8: UTILITY AND DRAINAGE WAY EASEMENTS:

(A) Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary; total easement width shall be in accordance with section 10-12-3-13 of this chapter.

(B) Unobstructed drainageway easements shall be provided as required by the council.

(C) A lot drainage plan shall be submitted for approval as part of the plans and specifications required by subsection 10-12-2-4(G) of this chapter. All lots required by the plan to drain along rear and side lot lines shall have drainage easement widths determined by an Idaho licensed engineer and shall not be less than five feet (5') in width. The final plat and the recorded covenants shall specify that the rear and side yard drainageways shown in the approved drainage plan shall be neither obstructed nor substantially regraded by the property owners. (Ord. 2472, 12-19-1994)

10-12-3-9: LOTS:

Lots shall conform to the following:

(A) Zoning: The lot width, depth and total area shall not be less than the requirements of any applicable zoning district.

(B) Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are

approved for septic tanks), the parcels shall be divided, where feasible, so as to allow for future resubdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated the plan thereof shall be approved by the commission prior to the taking of such action.

(C) Sufficient Area For Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system. (Ord. 2012, 7-6-1981)

10-12-3-10: PLANTING STRIPS AND RESERVE STRIPS:

Planting strips and reserve strips shall conform to the following:

(A) Planting Strips: Planting strips shall be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties. Such screening shall be a minimum of twenty feet (20') wide, and shall not be a part of the normal street right of way or utility easement.

(B) Reserve Strips:

1. Private Reserve Strips: Privately held reserve strips controlling access to streets shall be prohibited.
2. Public Reserve Strips: A one foot (1') reserve may be required to be placed along half streets which are within the subdivision boundaries and shall be deeded in fee simple to the city for future street widening. (Ord. 2012, 7-6-1981)

10-12-3-11: STORMWATER RETENTION/DETENTION:

No Residential Plat shall be approved unless it includes provision for stormwater retention/detention.

(A) Construction Standards: Stormwater Retention/Detention areas shall meet the standards found in City of Twin Falls revisions to ISPWC (Idaho Standard for Public Works Construction) and/or The City of Twin Falls Parks Department Design Manual, whichever is applicable.

(B) Dedication and Maintenance: Stormwater retention/detention facilities may be dedicated to the City upon completion, and acceptance, of all required improvements. Irrevocable Restrictive Covenants for each development shall be required in order to provide the City with the right to add a fee to the water bill of each account within the development, for the purpose of maintaining stormwater facilities. (Ord. 2822, 4-11-2005; amd. Ord. 2954, 11-3-2008; Ord. 3034, 7-16-2012; Ord. 2021-017, 10-11-2021)

10-12-3-12: RESTRICTIVE COVENANTS:

Restrictive covenants may be prepared and recorded as part of a subdivision. This is done to provide protection to future property owners by establishing higher standards than required under other regulations. The provisions within protective covenants are enforceable through civil action and local governments shall not be required to enforce these provisions. (Ord. 2012, 7-6-1981)

10-12-3-13: RIGHT OF WAY REQUIREMENTS:

Type Of Public Way	Residential (In Feet)	Commercial (In Feet)	Manufacturing (In Feet)
Type Of Public Way	Residential (In Feet)	Commercial (In Feet)	Manufacturing (In Feet)
Minimum right of way width:			
Trafficways:			
Alley			20
Service road	25	25	Not allowed
One-way road	25	30	30
Local street	50	60	60
Collector street	64	64	64
Arterial street	80	80	80
Special ways:			
Pedestrian	10	10	10
Bicycle	15	15	15
Equestrian	20	20	20
Easements:			
Utility	15	15	15
Access	10	10	15
Minimum centerline radius:			
Trafficways:			
Alley			60
Service road	50	50	Not allowed

One-way road	50	50	60
Local street	100	150	200
Collector street	200	250	300
Arterial street	500	500	500
Special ways:			
All	25	25	25
Easements:			
All	0	0	0
Minimum tangent length:			
Trafficways:			
Alley			0
Service road	0	0	Not allowed
One-way road	100	150	200
Local street	100	150	200
Collector street	200	250	300
Arterial street	400	400	400
Special ways	0	0	0
Easements	0	0	0
Minimum cul-de-sac:			
Trafficways:			
All	100	100	100

(Ord. 2012, 7-6-1981)

10-12-4: IMPROVEMENT STANDARDS:

10-12-4-1: RESPONSIBILITY FOR PLANS:

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards or specifications. (Ord. 2012, 7-6-1981)

10-12-4-2: REQUIRED IMPROVEMENTS:

Every subdivider shall be required to install the following improvements in accordance with the conditions and specifications as follows:

(A) Monuments: Monuments shall be set in accordance with section 50-1303, Idaho Code.

(B) Streets And Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the council ¹.

(C) Curbs And Gutters: Curbs and gutters shall be constructed on all streets and service roads.

All construction shall be in accordance with the standards and specifications adopted by the council ².

(D) Bicycle Pathways: A bicycle pathway shall be provided within all subdivisions, as part of the public right of way or separate easement, as may be specified in an overall bicycle plan as adopted by the council.

(E) Installation Of Public Utilities: Underground utilities shall be required in all new subdivisions.

Existing utilities or new large transmission lines shall not be required to be buried.

(F) Driveways: All driveway openings in curbs shall be as specified by the administration, highway district or state highway department.

(G) Storm Drainage: Refer to section 10-11-8 of this title for additional drainage requirements.

(H) Public Water Supply And Sewer Systems: All new public water supply or sewer systems shall be an extension of an existing public system ¹.

(I) Fire Hydrants And Water Mains: Adequate fire protection shall be required in accordance with standards established by the city engineer.

(J) Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards set forth by the City Engineer.

(K) Sidewalks And Pedestrian Walkways: Sidewalks shall be required on both sides of the street, except that where the average width of lots, as measured at the street frontage line or at the building setback line, is over two hundred ten feet (210') sidewalks on only one side of the street may be allowed. Pedestrian walkways, when required shall have easements at least ten feet (10') in width and include a paved walk at least five feet (5') in width.

Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications as adopted by the council ².

(L) Mailboxes: Mailbox locations shall conform to the following standards:

1. In the SUI zone with public streets where no sidewalks are required, boxes shall be placed with their bottoms three and one-half feet ($3\frac{1}{2}'$) above the edge of the public roadway and their fronts one-half foot ($\frac{1}{2}'$) behind the face of the curb.

2. In the R1-VAR, R2, R4 and R6 zones for single-family and duplexes on public streets, the boxes shall be placed in groups of two (2) or more with their bottoms between three and one-half feet ($3\frac{1}{2}'$) and four feet (4') above the back of the sidewalk and their fronts between one-half foot ($\frac{1}{2}'$) and one foot (1') behind the back of the sidewalk.

3. In the R4 and R6 zones for triplexes and larger multiplexes on public streets, mailboxes shall not encroach over public sidewalks. Mailbox locations shall be reviewed and approved by the U.S. postal service.

4. In ZDA and MHP overlays with private streets and in commercial and industrial zones, mailbox locations shall be reviewed and approved by the U.S. postal service.

5. No appurtenances to the mailbox or its support shall extend forward of the box.

(M) Greenbelt: Greenbelts or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, railroad rights of way or other features. Subdivision plats shall show the location of any greenbelt areas.

(N) Street Luminaires: Luminaires shall be required to be installed at intersections throughout the subdivision, in accordance with the local standards set forth by the City Engineer.

(O) Landscape And Sidewalk Placement: Landscaping and sidewalk placement required adjacent to arterial and collector streets. A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. Alternative landscaping other than trees and grass may be approved by the city.

(P) Pressure Irrigation System:

1. Pursuant to section 7-8-3 of this code, the use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of three-fourths ($\frac{3}{4}$) of an acre or larger that is not part of a subdivision or ZDA.

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

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

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

b. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship.

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

5. One share of Twin Falls Canal Company water for each acre of property within the subdivision shall be deeded to

the city before the filing of the final plat for use in the pressurized irrigation system.

(Q) Special Features: All other special features or items as represented during the approval process. (Ord. 2012, 7-6-1981; amd. Ord. 2472, 12-19-1994; Ord. 2481, 5-1-1995; Ord. 2796, 6-14-2004; Ord. 2850, 2-21-2006; Ord. 2925, 11-19-2007; Ord. 3082, 12-8-2014; Ord. 2024-003, 1-8-2024)

Notes

1. 1. See section 8-1-2 of this code and section 10-11-5 of this title.

2. 2. See section 8-2-12 of this code and section 10-11-5 of this title.

1. 1. See subsection 7-8-3(D) of this code.

2. 2. See section 8-2-12 of this code.

10-12-4-3: GUARANTEE OF COMPLETION OF IMPROVEMENTS:

(A) Financial Guarantee Arrangements: In lieu of the actual installation of required public improvements before recording of the final plat, the council may permit the subdivider to execute a trust and escrow agreement and record a notice prohibiting the sale of an undeveloped lot without a recorded developer's agreement between the subdivider and the city relating to that lot, or to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement: (Ord. 2488, 6-5-1995)

1. Surety Bond:

a. Accrual: The bond shall accrue to the city covering construction, operation and maintenance of the specific public improvement.

b. Amount: The bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the developer's consulting engineer and approved by the city engineer.

c. Term Length: The term length in which the bond is in force, for the duration of that phase of the project, shall be for a period to be specified by the council for the specific public improvement.

d. Bonding For Surety Company: The bond shall be with a surety company authorized to do business in the state of Idaho, acceptable to the council.

2. Cash Deposit, Certified Check, Negotiable Bond Or Irrevocable Bank Letter Of Credit:

a. Treasurer, Escrow Agent Or Trust Company: A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit, such surety acceptable by the council, shall be deposited with an escrow agent or trust company.

b. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvement, as estimated by the developer's consulting engineer approved by the city engineer.

c. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until completed and accepted by the city engineer.

d. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the council and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

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

1. The construction of improvements required by this title shall have been completed by the subdivider and approved by the city engineer.

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

(C) Inspection Of Public Improvements Under Construction: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

(D) Penalty In Case Of Failure To Complete The Construction Of A Public Improvement: In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements it shall be the responsibility of the council to proceed to have such work completed. In order to accomplish this, the council shall reimburse itself for the cost and expense thereof by appropriating the cash

deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the council and the subdivider. (Ord. 2012, 7-6-1981)

10-12-5: SPECIAL DEVELOPMENT SUBDIVISIONS:

10-12-5-1: PURPOSE:

The purpose of this section is to identify various types of developments that normally pose special concerns to the commission and elected officials when reviewing and acting upon subdivision requests. This section outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this section are in addition to the plan requirements, design standards and improvement standards that are required by sections 10-12-2, 10-12-3 and 10-12-4 of this chapter. (Ord. 2012, 7-6-1981)

10-12-5-2: HILLSIDE OR CANYON RIM SUBDIVISION:

(Rep. by Ord. 2466, 2-6-1995)

10-12-5-3: CONDOMINIUM SUBDIVISIONS:

Condominium developments shall be subject to requirements set forth in this title and also subject to all provisions herein contained. (Ord. 3082, 12-8-2014)

(A) Allowances: See chapter 6 of this title for subdistrict provisions.

(B) Site Development Plan: The developer shall provide the commission with a colored rendering of adequate scale to show the completed development that will include at least the following where applicable:

1. Architectural style and building design.
2. Building materials and color.
3. Landscaping.
4. Screening.
5. Solid waste areas.
6. Parking.
7. Open space. (Ord. 2012, 7-6-1981)

A concept site development plan may be approved by the commission but shall be conditioned upon approval of a final site development plan before final approval of the condominium subdivision. (Ord. 3082, 12-8-2014)

(C) Homeowners' Association: The homeowners' association bylaws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall meet with the approval of the council. Any and all powers as specified in such agreements may also be assigned to the council and the city may elect to accept said powers for the purpose of assessing property for delinquencies and enforcement of motor vehicle regulations to protect the best interests of the owners involved and of the general public.

(D) Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, two hundred (200) square feet shall be provided every two (2) living units. This may be reduced by the Council if there is a showing that the needs of a particular development are less.

(E) Parking Space: One additional parking space beyond that which is required by Chapter 10 of this Title may be required for every three (3) dwelling units to accommodate visitor parking.

(F) Maintenance Building: A maintenance building shall be provided, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.

(G) Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.

(H) Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned. (Ord. 2012, 7-6-81)

(I) Storm Drainage: Refer to Section 10-11-8 for additional drainage requirements. (Ord. 2481, 5-1-95)

10-12-5-4: MOBILE HOME SUBDIVISION: (Rep. by Ord. 2140, 3-18-85)

10-12-5-5: LARGE SCALE DEVELOPMENT SUBDIVISION:

Due to the impact that a large scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

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

(B) Estimate of the public service costs to provide adequate service to the development.

(C) Estimate of the tax revenue that will be generated from the development.

(D) Suggest public means of financing the services for the development if the cost for the public services would not be off-set by tax revenue received from the development. (Ord. 2012, 7-6-81)

(E) Storm Drainage: Refer to Section 10-11-8 for additional drainage requirements. (Ord. 2481, 5-1-95)

10-12-5-6: PLANNED ZERO LOT LINE SUBDIVISION:

Planned zero lot line developments shall be subject to requirements set forth in this Title and also subject to all provisions contained herein.

(A) Allowances: See Chapter 4 of this Title. Except for side yard and lot area requirements which are as specified below.

(B) Site Development Plan: The developer shall provide the Commission with the following:

1. Plat Map with building envelopes to show location of each unit in the development project.
2. Common wall agreement if applicable that is acceptable to the Commission.
3. Maintenance Easement, if applicable, must be shown on the plat. This applies to one dwelling zero lot line units without a common wall.

(C) Requirements:

1. Lot Area:
 - a. R1-8,000 - the minimum lot area shall be six thousand (6,000) square feet for a one dwelling unit.
 - b. R2 - the minimum lot area shall be five thousand five hundred (5,500) square feet for one dwelling unit.
 - c. R4 - the minimum lot area shall be four thousand (4,000) square feet for one dwelling unit.
 - d. R6 - the minimum lot area shall be four thousand (4,000) square feet for one dwelling unit.
2. Side Yard: No building is allowed within ten feet (10') of the side opposite the zero lot line.
3. Front Yard: Same as in chapter 4 of this title as specified in each zone.
4. Rear Yard: Same as in chapter 4 of this title as specified in each zone.
5. Zero Side Yard: The zero side yard cannot be adjacent to a public or private right of way.
6. Windows: No window shall be placed on the zero lot line.
7. Setback: No accessory building shall be placed in the ten foot (10') side yard setback area as required above.
8. Lot Coverage: No dwelling including its accessory buildings shall occupy more than sixty percent (60%) of the lot.
9. Projections: In a one-dwelling unit no portion of the dwelling or architectural projections other than rain gutters may project over any property lines. (Ord. 2012, 7-6-1981)

(D) Storm Drainage: Refer to section 10-11-8 of this title for additional drainage requirements. (Ord. 2481, 5-1-1995)

10-12-5-7: CEMETERY SUBDIVISION:

(A) Function: The developer shall provide the commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.

(B) Compliance With Idaho Code: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in title 27, Idaho Code. (Ord. 2012, 7-6-1981)

(C) Storm Drainage: Refer to section 10-11-8 of this title for additional drainage requirements. (Ord. 2481, 5-1-1995)

10-12-5-8: SUBDIVISION WITHIN A FLOODPLAIN:

(A) Flood Areas: For any proposed subdivision that is located within a floodplain, the developer shall provide the commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:

1. Location of all planned improvements.
2. Location of the floodway and the floodway fringe as shown on the FEMA flood insurance rate map and flood insurance study referenced in subsection 10-11-9(C) of this title or as established by engineering studies and approved by the city engineer.
3. Location of the present water channel.
4. Any planned rerouting of waterways.
5. All major drainageways.
6. Areas of frequent flooding.

7. Means of floodproofing buildings.
8. Means of insuring loans for improvements within the floodplain.
9. For subdivisions of fifty (50) or more lots or of five (5) acres of area or more, base flood elevations where flood elevation data has not been established.
10. Storm drainage: Refer to section 10-11-8 of this title for additional drainage requirements.

New construction and substantial improvements of residential structures within the floodplain shall meet the requirements of subsection 10-11-9(E)2a, "Residential Construction", of this title. (Ord. 2952, 9-8-2008)

(B) Justification For Development: Upon the determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the developer shall demonstrate conclusively to the commission that such development will not present a hazard to life, limb or property and will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or damages. If only part of a proposed subdivision can be safely developed, the council shall limit development to that part and shall require that development proceed consistent with that determination.

The subdivision shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages;
3. All necessary state and federal permits required for the development have been received pursuant to FEMA chapter 1, part 60, subpart 60.3(a)(2);
4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
5. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the developer for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less;
6. New or replacement water supply systems and/or sanitary sewage systems shall be designated to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on site waste disposal systems to be located so as to avoid impairment of such systems or contamination from such systems during flooding;
7. In new or substantially improved manufactured home parks or manufactured home subdivisions:
 - a. Stands or lots are to be elevated on compacted fill or pilings so that the lowest floor of the manufactured home is above the base flood level.
 - b. Adequate lot surface drainage and access for a tractor are to be provided.
 - c. In the instance of elevation on pilings, lots are to be large enough to permit steps, piling foundations are to be placed in stable soil no more than ten feet (10') apart and reinforcement is to be provided for pilings more than six feet (6') above the ground level. (Ord. 2226, 1-4-1988)

10-12-5-9: SUBDIVISION WITHIN AN AREA OF CRITICAL CONCERN:

Hazardous or unique areas may be designated as an area of critical concern by the council or by the state.

Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:

Avalanche paths

Earthquake locations

Floodplain

Historical significance

Scenic areas

Unique animal life

Unique plant life

Unstable soils and rock formations

Other areas of critical concern

(A) Plan Submission: The developer shall prepare and submit an environmental assessment along with the preliminary plan application for any development that is proposed within an area of critical concern.

(B) Content Of Environmental Assessment: The content of the environmental assessment shall usually be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:

1. What changes will occur to the area of environmental concern as a result of the proposed development?
2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
3. What changes in the area of environmental concern are unavoidable?
4. What beneficial or detrimental effects would the development have on the environment such as animal life, plant life, social concerns, economic conditions, noise, audio and visual conditions? (Ord. 2012, 7-6-1981)
5. Storm drainage: Refer to section 10-11-8 of this title for additional drainage requirements. (Ord. 2481, 5-1-1995)

CHAPTER 13

ZONING PERMITS

SECTION:

10-13-1: Building Permit

10-13-2: Certificate of Appropriateness

10-13-3: Variances

10-13-4: Special Use

10-13-5: Revocation Of Zoning Permits

10-13-1: BUILDING PERMIT:

(A) Permit Required: No person shall erect, construct, enlarge, alter, repair, move, convert or demolish any building or structure in the city or cause the same to be done without first obtaining a separate building permit for each such building or structure from the city building official.

(B) Certificate of Occupancy Required: It shall be unlawful to use, occupy, or permit the use or occupancy of any building, premises, or part thereof, thereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure, until a certificate of occupancy has been issued stating that the proposed use of the building and/or land conforms to the requirements of this title, and with all conditional provisions that may have been imposed.

1. A temporary certificate of occupancy may be initially issued for a period not to exceed six (6) months.

a. A nonrefundable fee, and refundable retainer, as determined by the adopted master fee schedule, shall be collected prior to issuance of a temporary certificate of occupancy.

b. One extension may be granted for an additional three (3) months upon new application and payment of additional nonrefundable fee.

c. Temporary Certificates expire at five o'clock (5:00) P. M. on the date listed.

d. In the event a temporary certificate expires without completion of the Required Improvements, the entire retainer amount shall be forfeited to the City of Twin Falls. In addition to the retainer forfeiture, the City may also initiate revocation proceedings of any permit, license, or any other approval, according to their respective revocation procedures.

(C) Application For Permit: To apply for a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose by the city building official, who shall determine the acceptability of the request in conformance with the building code, and who shall thereupon issue or deny the application. (Ord. 2024-012, 9-9-2024)

10-13-2: CERTIFICATE OF APPROPRIATENESS:

(A) Permit Required: For those properties located within the Twin Falls downtown historic district and the Twin Falls City Park historic district, before applying for a building permit, the property owner shall apply for and receive a certificate of appropriateness from the Twin Falls historic preservation commission.

1. No exterior portion of any building or other structure, including walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within these districts until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "design guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. The historic preservation commission shall make its determination within ten (10) business days after submission of the application. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures.

2. A certificate of appropriateness shall be required whether or not a building permit is required.

3. Appeal: A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 2017-009, 2-27-2027; amd. Ord. 2024-012, 9-9-2024)

10-13-3: VARIANCES:

(A) Definition: Variance is a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots and public ways.

(B) Authority To Grant: The commission may authorize in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where

strict application of the provisions of this title would result in unnecessary hardship or the loss of a building or site that is on a national, state or local register of historic places or sites.

(C) 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:

1. Name, address and phone number of applicant.
2. Legal description of property.
3. Description of nature of variance requested. (Ord. 2012, 7-6-1984)

4. A narrative statement and documentation demonstrating that the building or site is on a national, state or local register of historic places or sites or that the requested variance conforms to all the following standards:

a. 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.

b. 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.

c. That special conditions and circumstances do not result from the actions of the applicant.

d. 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.

e. That a literal enforcement of the provisions of this title would result in unnecessary hardship. For purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.

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. (Ord. 2466, 2-6-1995)

(D) 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 by implication 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 or variance is granted, shall be deemed a violation of this title. (Ord. 2012, 7-6-1984)

(E) 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. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

(F) Action By Commission: Within thirty (30) days after the public hearing the commission shall either approve, conditionally approve, or disapprove the request for appeal of variance.

Upon granting or denying an application the commission shall specify:

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

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.

(G) Notification To Applicant: Within ten (10) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request.

(H) 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. (Ord. 2012, 7-6-1984; amd. Ord. 2024-012, 9-9-2024)

10-13-4: SPECIAL USE:

(A) Definition: A special use is a use otherwise prohibited by the terms of this title in a given zone, but which may be allowed with conditions under specific provisions of this title and when not in conflict with a comprehensive plan.

(B) Authority To Grant: The commission may authorize in specific cases special uses, subject, however, to the minimum conditions and requirements of the zoning district in which they are located and subject to additional conditions and requirements necessary to protect the best interest of affected persons and the city as a whole.

(C) Application: An application for special use permit shall be filed with the administrator by at least one owner or lessee of property for which such special use is proposed or for which an expansion of more than twenty five percent (25%) over the original square footage approved through the special use permit process or a total increase in square footage over ten

thousand (10,000) square feet, whichever is less, or relocation of an existing special use is proposed. At a minimum, the application shall contain the following information:

1. Name, address and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed special use.

6. A plan of the proposed site for the special use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed special use meets the intent and requirements of this title.

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

(D) Standards Applicable To Special Uses: The commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. 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.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

(E) Restrictions: In granting any special 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 special use is granted, shall be deemed a violation of this title. (Ord. 2124, 10-15-1984)

(F) Public Hearing: Upon receipt of the application for a special use, the commission shall hold a public hearing. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

(G) Action By Commission: Within thirty (30) days after the public hearing, the commission shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the administrator to issue a special use permit listing the specific conditions specified by the commission for approval.

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

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.

6. Requiring the provision for on site or off site public facilities or services.
7. Requiring more restrictive standards than those generally required in this title.

Prior to granting a special use permit, the commission may request studies from the planning staff or public agencies concerning social, economic, fiscal and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permit.

Upon granting or denying an application the commission shall specify:

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

The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided a written appeal is submitted to the council within fifteen (15) days from the commission's action. (Ord. 2620, 8-2-1999)

(H) Notification To Applicant: Within ten (10) days after a decision has been rendered the administrator shall provide the applicant with written notice of the action on the request. (Ord. 2124, 10-15-1984)

(I) Transfer, Review And Discontinuance Of Special Use Permits: A special use permit is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the special use permit continue to be met except special use permits issued for in home daycare services and for home occupations which are not transferable from one owner to another.

Special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed; the commission may call for a new special use permit application.

A special use which has been discontinued for a period of one year shall not be reestablished without a new special use permit. (Ord. 2620, 8-2-1999)

(J) Appeal To The 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 the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. (Ord. 2124, 10-15-1984)

(K) Conditional Approval: If a special use permit is approved on condition that certain improvements be made to the subject property, no permit shall be issued until the applicant has provided proof that the conditions have been complied with. If the applicant fails to provide proof of compliance within six (6) months of approval, the special use permit shall be void. (Ord. 2773, 12-15-2003; amd. Ord. 2024-012, 9-9-2024)

10-13-5: REVOCATION OF ZONING PERMITS:

(A) Any privilege, permit or license, hereinafter called permit, granted pursuant to this title, including any permit granted prior to the passage of this section, and with the exception of rezone requests, may be revoked for the following reasons:

1. When a significant change in the use which does adversely impact neighboring developments occurs.
2. For violation of supplementary conditions, safeguards and/or restrictions imposed by the city council or the planning and zoning commission at the time the permit was granted.
3. Use of a zoning permit or certificate for a use other than the use for which said permit or certificate was issued.

(B) A petition for revocation may be initiated in the following manner:

1. By adoption of a motion by the commission for revocation of the permit.
2. By adoption of a motion by the council for revocation of the permit.
3. By the filing of a petition by an aggrieved property owner or person who has an existing interest in property within the area affected by the contested use.

(C) Notice of initiation of revocation proceedings shall be provided to the permit holder in writing within fifteen (15) days of the filing of the petition for revocation or the passage of a motion initiating revocation proceedings. Notice shall include the following:

1. The name of the party or parties petitioning for a permit revocation.
2. The date and time of passage of a motion to revoke by the zoning body, or the date of filing of the petition to revoke.
3. The change in circumstances which has been alleged to have occurred and the adverse impact which said change in circumstances is expected to have.
4. The supplementary conditions, safeguards and restrictions alleged to have been violated. (Ord. 2045, 7-6-1982)

(D) A public hearing on the motion or petition to revoke shall be held before the appropriate zoning body. The permit holder, city staff and/or any aggrieved party may present testimony or other evidence at said hearing. Said hearing shall be held within forty five (45) days of the filing of a petition for revocation or the passage of a motion initiating revocation proceedings. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

(E) The decision of the zoning body hearing a revocation proceeding shall be based on the record. If said zoning body finds substantial evidence on the record that continuance of the use in question will result in a significant adverse impact on the surrounding developments or other affected parties, and that the permit holder is unable or unwilling to alleviate the adversity, or if said zoning body finds substantial evidence on the record that conditions, safeguards or restrictions imposed by the commission or council have been violated, the zoning body may revoke the permit in question.

(F) A permit which has been revoked may be reinstated only by reapplying for said permit. (Ord. 2045, 7-6-1982)

(G) Within ten (10) days after a decision has been rendered, the administrator shall provide the permit holder with written notice of the action taken.

Upon receipt of a decision from the planning and zoning commission, an aggrieved party may appeal to the city council. The council shall set a hearing date and shall hold a public hearing pursuant to the provisions provided herein. (Ord. 2620, 8-2-1999; amd. Ord. 2024-012, 9-9-2024)

CHAPTER 14

ZONING AMENDMENTS

SECTION:

10-14-1: Authority To Amend

10-14-2: Initiation Of Zoning Amendments

10-14-3: Amendment Application, Contents

10-14-4: Commission Action

10-14-5: Public Hearing

10-14-6: Approval Or Denial Of Amendment

10-14-7: Action By Council

10-14-8: Resubmission Of Application

10-14-9: Zone Boundary Change; Publication Of Notice

10-14-1: AUTHORITY TO AMEND:

Whenever the public necessity, convenience, general welfare or good zoning practices require, the council may, by ordinance, after receipt of recommendation thereon from the commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. (Ord. 2012, 7-6-1981)

10-14-2: INITIATION OF ZONING AMENDMENTS:

Amendments to this title may be initiated in one of the following ways:

(A) By adoption of a motion by the commission.

(B) By adoption of a motion by the council.

(C) By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be changed or affected by said amendment. (Ord. 2012, 7-6-1981)

10-14-3: AMENDMENT APPLICATION, CONTENTS:

Applications for amendments to the official zoning map adopted as part of this title shall be provided by the administrator and shall contain at least the following information:

(A) Name, address and phone number of applicant.

(B) Proposed amending ordinance, approved as to form by the council.

(C) Present land use.

(D) Present zoning district.

(E) Proposed use.

(F) Proposed zoning district.

(G) A vicinity map at a scale approved by the administrator showing the property lines, thoroughfares, existing and proposed zoning and such other items as the administrator may require.

(H) A list of all property owners and their mailing addresses who are within three hundred feet (300') of the external boundaries of the land being considered.

(I) A statement on how the proposed amendment relates to a comprehensive plan, availability of public facilities and compatibility with the surrounding area.

(J) A fee as established by the council. (Ord. 2012, 7-6-1981)

Notes

¹ 1. See section 10-3-2 of this title.

10-14-4: COMMISSION ACTION:

Zoning districts, zoning subdistricts and overlay districts shall be amended in the following manner:

(A) Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to

determine the extent and nature of the amendment requested;

(B) If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and (Ord. 2012, 7-6-1981)

(C) If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

10-14-5: PUBLIC HEARING:

The commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

(A) Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

(B) Zoning Map Amendment: The commission, prior to recommending a zoning map amendment that is in accordance with a comprehensive plan to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

10-14-6: APPROVAL OR DENIAL OF AMENDMENT:

Within sixty (60) days from the receipt of the proposed amendment, the commission shall transmit its recommendation to the council. The commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with a comprehensive plan and established goals and objectives. (Ord. 2012, 7-6-1981)

10-14-7: ACTION BY COUNCIL:

The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if said council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

Upon granting or denying an application to amend this title, the council shall specify:

- (A) The regulations and standards used in evaluating the application.
- (B) The reasons for approval or denial.
- (C) The actions, if any, that the applicant could take to obtain a permit.

In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

10-14-8: RESUBMISSION OF APPLICATION:

No application for a reclassification of any property which has been denied by the council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one year from the date of such final action; unless there is an amendment in a comprehensive plan which resulted from a change in conditions as applying to the specific property under consideration. (Ord. 2012, 7-6-1981)

10-14-9: ZONE BOUNDARY CHANGE; PUBLICATION OF NOTICE:

Whenever a zoning district boundary change is contemplated by the city, notice of said proposed zoning district boundary change and the hearing thereon shall be by publication in the Times-News once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing on the proposed zoning district boundary change and for which said notice is given. (Ord. 2012, 7-6-1981)

CHAPTER 15

ANNEXATION REGULATIONS

SECTION:

10-15-1: Commission Recommendation Required

10-15-2: Public Hearing

10-15-1: COMMISSION RECOMMENDATION REQUIRED:

Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area. The council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the commission. (Ord. 2012, 7-6-1981)

10-15-2: PUBLIC HEARING:

(A) The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

(B) Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the proposal with its recommendations to the council. (Ord. 3091, 3-2-2015)

(C) The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission.

Following the hearing of the council, if the council makes a material change in the plan or zone, further notice and hearing shall be provided before the council adopts the plan or zone

(D) Concurrently or immediately following the adoption of an ordinance of annexation, the council shall amend the planning and zoning regulations as shall be found to be necessary. (Ord. 2012, 7-6-1981)

CHAPTER 16

VACATIONS AND DEDICATIONS

SECTION:

10-16-1: Petition Procedure

10-16-2: Publication and Filing Costs

10-16-1: PETITION PROCEDURE:

(A) Petition Required: Any property owner desiring to vacate an existing subdivision, plat or part thereof or within one mile of the boundaries of the City, or within the City "area of impact", public right of way or easement, or desiring to dedicate a street right of way or easement shall complete and file a petition with the Administrator.

(B) The petition for vacation shall set forth the particular circumstances of the request to vacate; contain a legal description of the platted area or property to be vacated and the names of the persons affected thereby. In the case where lots have been sold in a platted area, the petition should include an acknowledged written statement from each of the owners of the aforesaid sold lots indicating whether or not they are in agreement with the proposed vacation.

(C) Administration Action: Upon receipt of the completed petition, the Administrator shall affix the date of petition acceptance thereon. The Administrator shall place the petition on the agenda for consideration at the next regular meeting of the Commission.

(D) Public Hearing: The Commission shall hold a public hearing and make recommendations on all petitions for vacation of an existing subdivision, plat or part thereof inside or within one mile of the boundaries of the City, or within the City "area of impact", and notice of said public hearing shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of the public hearing to all property owners within three hundred feet (300') of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) consecutive weeks in the official newspaper of the City, the last of which shall not be less than seven (7) days prior to the date of said hearing.

(E) Commission Recommendation: Within sixty (60) days from the receipt of the petition for vacation, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

(F) Action by Council: The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a Quit Claim Deed for the vacated rights of way in such proportions as are prescribed by law.

(G) Petition for dedication shall set forth the particular circumstances of the request to dedicate; contain a legal description of the property to be dedicated and the names of the persons affected thereby.

(H) No Commission action is required for dedication.

(I) Council Action: When considering a petition for dedication procedures, the Council may approve, deny or modify the petition. When a dedication is approved, the required street improvements shall be constructed or a bond furnished, assuring the construction, prior to acceptance of the dedication. To complete the acceptance of any dedication of the land, the owner shall furnish to the Council a deed describing and conveying such lands to be recorded with the County Recorder.

10-16-2: PUBLICATION AND FILING COSTS:

All publications and filing costs shall be at the expense of the petitioner. (Ord. 2012, 7-6-81)

CHAPTER 17

ADMINISTRATION AND ENFORCEMENT

SECTION:

10-17-1: City Planning Administrator

10-17-2: Planning And Zoning Commission

10-17-3: Bylaws Of Planning And Zoning Commission

10-17-4: Procedures For The Conduct Of Hearings

10-17-5: Mediation

10-17-1: CITY PLANNING ADMINISTRATOR:

There is hereby created the position of city planning administrator. The city planning administrator shall be appointed by the city manager and the appointment confirmed by the council.

The city planning administrator, throughout this title referred to as administrator, shall administer the provisions of this title and provide assistance and guidance to the commission and the council, and in addition, shall have the following duties:

- (A) Advise interested persons of the zoning title provisions.
- (B) Notify the news media regarding matters of public interest.
- (C) Aid and assist applicants in the preparation and expedition of required applications.
- (D) Issue zoning permits, notifications and such similar administrative duties.
- (E) Investigate all violations of this title and notify in writing the person responsible for such violations, ordering the action necessary to correct such violation.
- (F) Whenever there is doubt as to this classification of use not specifically mentioned in this title, the determination shall be made by the administrator. Such determination shall be based upon detailed description of the proposed use and such other information as may be required. The administrator shall make such investigations as are necessary to compare the nature and characteristics of the proposed use with those of listed uses in the various districts, and shall determine that the use is, in all essentials, pertinent to the objectives of this title, of the same character as a use listed as allowed or as a special use permitted in one of such specified district or districts. No use added by such administrative determination shall permit in any district a use which is a special use permitted in such districts or in any less restricted district, nor shall same permit a use which is an allowed use in a less restrictive district. The determination of the administrator shall be final unless an appeal is made as hereinafter provided. (Ord. 2526, 5-20-1996)
- (G) Appeals to the commission concerning the administrator's interpretation and administration of this title may be taken by any person aggrieved by a decision of said administrator. Said appeal shall be taken within fifteen (15) days after the decision of the administrator by filing with the administrator a notice of appeal specifying the grounds upon which the appeal is to be taken. The administrator shall transmit to the commission the appeal and all papers constituting the record upon which the appeal is based.

Upon receipt of an appeal from the action of the administrator the commission shall, after publishing notice in a newspaper and giving written notice to all parties concerned at least fifteen (15) days in advance, hold a public hearing. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. The commission's determination shall be final unless appealed to the council within the same time and pursuant to the same procedure set forth above. (Ord. 3091, 3-2-2015)

10-17-2: PLANNING AND ZONING COMMISSION:

There is hereby created, a planning and zoning commission and throughout this title is referred to as the commission. The commission shall be constituted and shall function according to the bylaws herein set forth and shall have all of the power or authority to consider ordinances or to recommend amendments to or repeal of any portion of this title. The commission shall provide guidance and assistance to the council, holding public hearings as required by law, and shall grant or deny applications presented to the commission, and shall make timely written recommendations to the council in all matters relating to this title in which the council has final decision making powers. Any action taken by the commission which would be final unless appealed may be reviewed and heard by the council when an appeal is not made but the council determines, within fifteen (15) days of commission action, that there may be significant adverse impact as a result of the commission action. (Ord. 2012, 7-6-1981)

10-17-3: BYLAWS OF PLANNING AND ZONING COMMISSION:

The following organizational bylaws for the planning and zoning commission are hereby adopted and the same shall be considered an integral part of this title and functional guidelines for said commission:

BYLAWS

OF

PLANNING AND ZONING COMMISSION

Twin Falls, Idaho

* * * * *

Article I - Creation And Purpose

There is hereby created a planning and zoning commission for the city of Twin Falls, Idaho. In fulfilling the powers and duties by law conferred upon the commission, the commission shall, among other things, bear in mind the following considerations:

1. The protection of property rights and property values.
2. Public facilities and service costs.
3. The effect on the economy of the city of Twin Falls, Idaho.
4. Environmental considerations.
5. Effects on prime agricultural, forestry and mining lands.
6. Organized and planned urban development within the city of Twin Falls, Idaho.
7. The avoidance of undue concentration of population and overcrowding of land.
8. Land development compatible with land characteristics.
9. The protection of life and property in areas subject to natural hazards and disasters.
10. The protection of fish, wildlife and recreational resources.
11. The avoidance of water and air pollution.

Article II - Membership And Term

The commission shall consist of seven (7) members. All members shall be appointed by the mayor and confirmed by a majority vote of the full council. One (1) member will represent the City of Twin Falls Area of Impact as provided in section 10-8-4 of this title. The residency requirement in Twin Falls City Code section 2-1-1 is specifically waived for the member representing the Area of Impact.

Members shall serve a term of three (3) years beginning regularly on March 1 of each year with a maximum of two (2) consecutive terms or six (6) years provided, however, that the term of office for at least one-third (1/3) of the regular membership shall be appointed as of the first class and their term of office shall expire one year from the date of their appointment; one-third (1/3) of the regular membership shall be appointed as of the second class and their term of office shall expire two (2) years after the date of their appointment; and one-third (1/3) of the regular membership shall be of the third class and their term of office shall expire three (3) years from the date of their appointment. Thereafter, regular members shall be appointed for a term of three (3) years as provided.

Article III - Organization And Meetings

Upon organization, and thereafter at the first regular meeting in March of each year, the commission shall elect, by a majority of the full membership, a chairman and shall create and fill in a similar manner any other office that it may deem necessary.

The chairman may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out the responsibilities of the commission.

The chairman (or vice chairman) shall preside at all regular meetings of the commission which may be scheduled on the second and fourth Tuesdays of each month for no less than nine (9) months in a year. All meetings and records shall be open to the public and a record of all meetings, hearings, resolutions, studies, findings, permits, recommendations and actions shall be maintained by the commission.

Article IV - Special Meetings

Special meetings of the commission may be held at such times and at such places as agreed on by at least four (4) members at a regularly scheduled public meeting. Written notice of all such special meetings, including the time, date, and purpose of said meetings shall be provided to all members of the commission. Provided, that written notice of said special meeting may be waived by a member at said special meeting, duly entered and registered in the minutes of such meeting.

No business may be conducted at any such special meeting upon any application or request of any citizen except and unless notice of the request and of the special meeting has been published as required by law.

Article V - Order Of Business

All regular and special meetings of the commission shall be conducted by the chairman in an orderly fashion pursuant to the procedures for conduct of meetings in section 10-17-4 of this chapter.

Article VI - Members Qualifications

Persons recommended for appointment by the mayor and confirmed by the council shall have resided in Twin Falls County, Idaho, for two (2) continuous years preceding their appointment, shall be residents of the city of Twin Falls at the time of appointment and said members must remain residents of the city during the term of office to which they were appointed.

The area of impact representatives shall have resided in Twin Falls County, Idaho, for two (2) continuous years preceding their appointment and shall be residents within the area of impact, residing outside the city limits, at the time of appointment and must remain residents of the area of impact during the term of office to which they were appointed.

In appointing members to the commission, the council shall be certain that the area and interest within its jurisdiction are broadly represented by the appointed membership. Members shall be selected and appointed without respect to political affiliations.

Article VII - Vacancies And Removal Of Commission Members

Vacancies occurring otherwise than through the expiration of appointed terms shall be filled in the same manner as the original appointments. A member appointed to fill an unexpired term shall serve the remainder of the unexpired term and may be appointed to no more than two (2) full consecutive terms.

Members may be removed for cause only by a majority vote of the full council.

Article VIII - Conflict Of Interest

A member of the commission shall not participate in any proceeding or action when the member, his employer, or his employee, business partner or associate, his business, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any action or potential interest in any proceedings shall be disclosed at or before any meeting, duly entered and recorded in the minutes, at which the action is being heard or considered.

Article IX - Duties Of Commission

Consistent with the purposes of the commission hereinabove set forth, the commission shall have the following duties together with such other duties as are prescribed by law:

1. Initiate proposed amendments to this section and conduct a biennial review of the complete zoning ordinance.
2. Review all proposed amendments to this title and make recommendations to the council.
3. Conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan as required by law.
4. Review all districts, subdistricts and overlay districts and make recommendations to the council.
5. Grant special use permits as specified in this title and under the conditions as herein specified with such additional safeguards as will uphold the intent of this title.
6. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the administrator.
7. Authorize such variances from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this title will result in unnecessary hardship, and so that the spirit of this title shall be observed and substantial justice done.

Article X - Public Hearings

The chairman shall preside over and conduct all public hearings on all matters presented to the commission. No public hearings shall be held except and until notice has been provided the public in conformance with the statutes of the state of Idaho made and provided in such case.

Article XI - Quorum For The Conducting Of Business And Voting

A majority of the membership shall constitute a quorum for the transaction of business at any meeting of the commission.

In the event more than one regular member is absent or not sitting due to a conflict of interest, said member shall not be counted for the purposes of constituting a quorum.

Each member shall be entitled to one vote and the acts of a majority of a quorum present at any regular or special meeting shall be the acts of the commission.

Article XII

All decisions of the commission on issues not requiring the passing of an ordinance shall be final if not appealed to the council within fifteen (15) days from the date of commission's decision.

Article XIII

These bylaws may and shall be amended in the same manner provided for amendments to this title in general.

(Ord. 2923, 10-22-2007; amd. Ord. 2020-006, 3-16-2020)

10-17-4: PROCEDURES FOR THE CONDUCT OF HEARINGS:

The following rules hereby established, shall be observed in the conduct of any public hearing before the city council of the city of Twin Falls and the planning and zoning commission of the city of Twin Falls, hereinafter referred to as the hearing body. The following rules shall be known as the "Twin Falls rules of procedure":

(A) Prior to opening the public hearing, the presiding officer shall review the public hearing process.

(B) The applicant shall not make any changes to the application or proposal after publication of the notice of public hearing. If the applicant wishes to make a change to the application after the publication of the notice of public hearing, the applicant shall notify the administrator and the hearing shall be canceled, to be rescheduled after the changes are submitted for staff review.

(C) All persons permitted to testify or speak before the hearing body at a public hearing shall write their name and residential address thereafter on sign up sheets to be provided by the city. This rule shall not apply to staff or technical witnesses directed by the presiding officer to give evidence or information to the hearing body.

(D) No person shall be permitted to speak before the hearing body at a public hearing until such person has approached the microphone at the podium and been recognized by the presiding officer.

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

(F) Any exhibit introduced by any person shall be retained by the hearing body and made a part of the record therein. (Ord. 2835, 9-12-2005)

(G) The applicant will be limited to fifteen (15) minutes for the initial presentation, unless a written request for additional time is submitted prior to the hearing and the hearing body grants the request for additional time. The staff report shall follow the applicant's presentation. Members of the hearing body may then ask questions regarding the application. Testimony from the public may be limited by the presiding officer to no less than two (2) minutes per person. Five (5) or more persons receiving written notice of the public hearing may appoint a person to speak for them, which person shall be limited to fifteen (15) minutes for their presentation. No written comments, including e-mail, received after twelve o'clock (12:00) noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by twelve o'clock (12:00) noon on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector at the completion of public comment. Members of the hearing body may ask questions of any person who has testified. The applicant will be permitted five (5) minutes for rebuttal. After all testimony has been given, the public hearing shall be closed and no additional information may be requested or given, unless the public hearing is reopened. (Ord. 2951, 9-8-2008)

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

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

(J) Any person not conforming to any of the above rules may be prohibited from speaking before the public hearing. Should any person refuse to comply with such prohibition, he/she may be asked to leave the hearing, and thereafter removed from the room by order of the presiding officer.

(K) The main motion on the application shall be in the affirmative, to approve the application, and may include conditions from the staff report. The main motion may be amended to establish or remove conditions. If the motion passes, the application is approved. If the motion fails, the application is deemed denied. Motions on appeals shall also be in the affirmative to approve the zoning action requested by the applicant.

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

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

(N) For those applications that require an ordinance, staff will prepare and place on the next council agenda an ordinance with implementing language including all conditions as specified in the zoning action. The ordinance shall be published at the next available publication date.

(O) A transcribable verbatim record of the public hearing shall be made and kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for the retention of the

record, any person may have the record transcribed at his expense. (Ord. 2835, 9-12-2005)

10-17-5: MEDIATION:

(A) Mediation may be requested in writing by the applicant, an affected person, the planning and zoning commission or the city council. Mediation may occur at any point during the decision making process or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision making body.

(B) The applicant and any other affected persons objecting to the application shall participate in at least one mediation session if mediation is requested by the commission or the city council. The city council shall select and pay the expense of the mediator for the first meeting among the interested parties. Compensation of the mediator shall be determined among the parties at the outset of any mediation undertaking. An applicant may decline to participate in mediation requested by an affected person, and an affected person may decline to participate in mediation requested by the applicant, except that the parties shall participate in at least one mediation session if directed to do so by the governing board.

(C) During mediation, any time limitation relevant to the application shall be tolled. Such tolling shall cease when the applicant or any other affected person, after having participated in at least one mediation session, states in writing that no further participation is desired and notifies the other parties, or upon notice of a request to mediate wherein no mediation session is scheduled for twenty eight (28) days from the date of such request.

(D) The mediation process may be undertaken pursuant to the general limitations established by this section.

(E) The mediation process shall not be part of the official record regarding the application. (Ord. 2725, 6-17-2002)