

INITIAL ZONING ORDINANCE

**CITY of ROBERTS
2874 E. 650 N.
(19 West Park Avenue)
Roberts, Idaho 83444**

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ROBERTS, IDAHO 83444

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INITIAL ZONING ORDINANCE OF ROBERTS, IDAHO

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ROBERTS, IDAHO, ESTABLISHING LAND USE CLASSIFICATIONS, DIVIDING THE CITY INTO ZONES: IMPOSING REGULATIONS, PROHIBITIONS AND REGULATIONS FOR THE PROMOTIONS OF HEALTH, SAFETY, CONVENIENCE AND WELFARE: GOVERNING THE USE OF LAND FOR RESIDENTIAL AND NONRESIDENTIAL PURPOSES: REGULATING AND LIMITING LOT OCCUPANCY AND SIZE OF YARDS AND OTHER OPEN SPACES: ADOPTING A MAP OF SAID LAND USE ZONES, CONDITION USE PERMITS AND VARIANCES: AND PRESCRIBING PENALTIES FOR VIOLATING OF SAID ORDINANCE.

BE IT ORDAINED BY THE Mayor and City Council Roberts, Idaho;

CHAPTER 1 SHORT TITLE, PURPOSE, USE DISTRICTS, AUTHORITY AND OFFICIAL INITIAL ZONING MAP

SECTION 1: SHORT TITLE

This ordinance shall be known as the Initial Zoning Ordinance of Roberts, Idaho.

SECTION 2: PURPOSE

The purpose of this ordinance is to promote the orderly development of the City; to conserve and stabilize the value of property; and otherwise to promote the public health, safety and welfare.

SECTION 3: USE DISTRICTS

- A. For the purpose of promoting pride of ownership, health, general welfare within its area of jurisdiction, the City of Roberts, Idaho is hereby divided into the following e Districts or Zones:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential - Single Family	R1
Residential - Two Family	R2
Residential - Multi-Family	R3
Residential - Mobile Home	R4
Commercial	C1
Commercial - Heavy	C2
Industrial	I1
Industrial - Heavy	I2

Public	P1
Quasi-Public	P2
Agriculture	A1
Agricultural-Residential	A2

- B. The boundaries of the Use Districts or Zones established by this ordinance shall be determined and defined by the adoption of a map on which are shown the boundaries of Use Districts so adopted for each portion of the City of Roberts.
- C. Land or premises shall be used unless otherwise provided in this ordinance, only in conformity with the regulations herein set forth for the Use Districts in which such land or premises are located.
- D. No building or structure shall be erected or structurally altered or used, unless otherwise provided in this ordinance except in conformity with the regulations herein set forth for the Use District in which such building or structure is located.

SECTION 4: AUTHORITY

These regulations are authorized by IDAHO CODE 67-6524

SECTION 5: OFFICIAL INITIAL ZONING MAP

- A. The boundaries of Use Districts shall be established and clearly indicated upon the Initial Zoning Map adopted as part of this ordinance.
- B. All amendments of this Official Initial Zoning Map shall follow the procedure set forth in Section 67-6509, IDAHO CODE.

CHAPTER 2 DEFINITIONS

SECTION 1: INTERPRETATION OF TERMS OR WORDS

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

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular;
- C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement;
- D. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied"; and
- E. The word "lot" includes the words "plot", "parcel" and "tract".

SECTION 2: MEANING OF TERMS OR WORDS

Accessory use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to , the principal use or structure.

Agriculture and Forest - The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses of packing, treating or storing the produce, provided, however, that:

- A. The operation of any such accessory uses shall be secondary to that of normal agriculture activities, and
- B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district. Agriculture does not include the operation or maintenance of a commercial stockyard or feedlot where large numbers of livestock are fed concentrated feeds

particularly for the purposed of fattening for market.

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

Automotive Repair - The repair, rebuilding, or reconditioning of motor vehicles, or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive, Mobile home, Manufactured Home, Travel Trailer and Farm Implement Sales - The sale or rental of new and used motor vehicles, mobile home, manufactured homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

Automotive Wrecking - The dismantling or wrecking of two (2) or more used motor vehicles, mobile home, manufactured homes, trailers or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

Basement - A dwelling unit all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

Board - The Board of County Commissioners.

Building - Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.

Building , Accessory - A subordinate building detached from, but located on the same lot as the principal building, the use which is incidental and accessory to that of the main building or use.

Building, Height - The vertical distance measured from the Crown of the fronting street to the highest point of the roof for flat roofs to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.

Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated.

Cemetery - Land used or intended to be used for the burial of 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 provide.

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

Club - A building or portion thereof of premises owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests; but still not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

Commercial Entertainment Facilities - Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

Commission - The Planning and Zoning Commission appointed by the Mayor and City Council of Roberts, Idaho.

Comprehensive Plan - A plan or any portion thereof, adopted by the Council including such things as the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major transportation, parks, schools, and other community facilities.

Council - The City Council of Roberts, Idaho.

Density - A unit of measurement; the number of dwelling units per acre of land.

A. Gross Density - The number of dwelling units per acre of total land to be developed, including public right-of-way.

B. Net Density - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential use, excluding public right-of-way.

Dwelling - A building or portion thereof, containing one or more dwelling units. The term dwelling does not include hotel, motel, boarding or rooming house, rest home or recreational vehicle as defined herein.

Dwelling Unit - One (1) or more rooms in a building providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation, all to be used by only one (1) family.

Dwelling, Single Family - A building containing only one (1) dwelling unit, separated from other dwelling units by open space.

Dwelling, Two Family - A building containing two (2) dwelling units which may be either attached side by side or one (1) above the other.

Dwelling, Multi-Family - A building containing three (3) or more dwelling units including townhouses and condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing units.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory) - A dwelling or part thereof, other than a hotel, motel or restaurant, where meals, and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Family - An individual or married couple and the children thereof with not more than two (2) other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Flood Plain - the relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of one hundred (100) year frequency. The flood plain includes the channel, floodway, and floodway fringe, as established per the engineering practices as specified by the Army Corps of

Engineers, as follows:

- A. "Flood of one hundred (100) year frequency" shall mean a flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year;
- B. "Flood" shall mean the temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water;
- C. "Channel" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water;
- D. "Floodway" shall mean the channel or a watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse; and
- E. "Floodway fringe" shall mean that part of the flood plain which is beyond the floodway. Such areas will include those portions of the flood plain which will be inundated by a flood of one hundred (100) year frequency.

Garage, Service Station - Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be dispensed at retail and where, in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries and distributors parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
- D. Washing, polishing and sale of washing and polishing materials.
- E. Greasing and lubrication;
- F. Providing and repairing fuel pumps, oil pumps and lines;

- G. Minor servicing and repair of carburetors;
- H. Adjusting and repairing brakes;
- I. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- J. Sales of cold drinks, packaged foods, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operations.
- K. Provisions of road maps and other information material to customers- provision of rest room facilities; and
- L. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Health Authority - The District #7 Health Department or State Department of Health and Welfare that has jurisdictional authority.

Home Occupation - An occupation conducted entirely within a dwelling unit. An occupation conducted entirely on the premise of a lot which contains a dwelling unit.

Hotel or Motel and Apartment Hotel - A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house or dormitory which is herein separately defined.

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

Junk Buildings, Junk Shops, Junk Yards - Any land, property, structure, building or combination of the same, on which junk is stored or processed.

Kennel - Any lot or premises on which three (3) or more domesticated animals more than (4) months of age are housed, groomed, bred, boarded, trained or sold, and which offers provisions for minor medical treatment.

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot - For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record; and
- C. A combination of complete lots of record, or of portions of record.

Lot Coverage - The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to street shall be considered frontage and yards shall be provided as indicated under "Yards" in this section.

Lot, Minimum Area of - The area of a lot in computed exclusive of any portion of the right-of-way of any public or private street.

Lot of Record - A lot which is part of a subdivision recorded in the Office of the County Recorder; or a lot or parcel described by meter and bounds, the description of which has been so recorded.

Lot Types - Terminology used in this Ordinance with reference to corner lots, interior lots and through lots is as follows:

- A. Corner Lot - A lot located at the intersection of two (2) or more streets:
- B. Interior Lot - A lot with only one (1) frontage on a street;
- C. Through Lot - A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots; and
- D. Reversed Frontage Lot - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Manufacturing, Heavy - Manufacturing, processing, assembling, storing, testing and similar industrial uses which are general major operations and extensive in character require large sites, pen storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light - Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures and generating little industrial traffic and no nuisances.

Manufacturing, Extractive - Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

Mobile Home - A manufactured relocatable single family living unit made prior to June 15, 1976, which does not meet the Federal Manufactured Home Construction and Safety Standards.

Manufactured Home - A single-family dwelling unit fabricated in one or more sections at a location other than the home site by assembly-line or similar production techniques or by other construction methods typical of off-site manufacturing process. Every section shall bear a label certifying that it

is built in compliance with the Federal Manufactured Home Construction and Safety Standards, June 15, 1976. A manufactured home may be designed to be towed on its own chassis or be site-delivered by alternative means.

Travel Trailer Court - A tract of land retained in one ownership, for the purpose of rental of spaces for temporary placement of travel trailers, as defined in this ordinance.

Mobile Home Park - Any site or tract of land under single ownership upon which two (2) or more mobile homes or manufactured homes habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Non-Conforming Use - A building, structure or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district in which it is situated.

Nursing Home for the Aged - A home or facility for the care and treatment of more than five (5) pensioners or elderly people.

Day Care Center, for Children - A place, home or facility providing care for more than five (5) children of pre-school age.

Nursery, plant Materials - Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Occupant - Any person living or sleeping in a building; or having possession of a space within the building.

Owner - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Open Space - An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environment features, water areas, swimming pools, tennis courts and any other recreational facilities that the Commission deems permissive. Streets, parking area, structures for habitation and the like shall not be included.

Parking Space, Off-Street - For the purpose of this Ordinance, an off street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room; but, shall be treated totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond - A financial guarantee by a subdivider or developer with the City in the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specification within the time prescribed by the agreement.

Personal Services - Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

Planned Unit Development - An area of land in which a variety of residential, commercial and industrial uses developed under single ownership or control are accommodated in a pre-planned environment with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

Premises - A lot, plot or parcel of land including any structures thereon.

Professional Activities - The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

Public Service Facility - The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping plants and other similar public service structures by a public utility, by a railroad whether publicly or privately owned, or by a municipal or other governmental agency, including the

furnishing of electrical, gas, rail transport, communication, public water, and sewage services.

Public Uses - Public parks, schools, administrative and culture buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Quasi-public Use - Churches, Sunday Schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic or not-profit nature.

Recreational Vehicle - A motor home, travel trailer, truck camper or camping trailer, with or without motor power designed for human habitation for recreational or emergency occupancy.

Research Activities - Research, development and testing related to such fields as the chemical, pharmaceutical, medical, electrical, transportation and engineering.

Roadside Stand - A temporary structure designed or used for the display or sale of agriculture and related products, the majority of which have been grown on adjacent land.

Right-Of-Way - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

Seat - For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.

Setback Line - A line established by the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground except as may be provided in said code.

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

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

- A. Sign, On-premises - Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- B. Sign, Off-premises - Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- C. Sign, Lighting Device - Any light, string of lights, or group of lights located or arranged so as to cast illumination of a sign.
- D. Sign, Illuminated - Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.
- E. Sign, Projecting - Any sign which projects from the exterior of a building.

Special Use - A special use permitted within a district, other than a principally permitted use, requiring a permit and approval of the Commission. Special uses permitted in each district are listed in the Official Schedule of District Regulation.

Story - That part of a building between the surface of a floor and the ceiling immediately above it.

Street - A right-of-way which provides vehicular and pedestrian 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, lane, place and other such terms.

- A. Alley - A minor street providing secondary access at the back or side of a property otherwise abutting a street.
- B. Minor - A street which has the primary purpose of providing access to abutting properties.
- C. Collector - A street for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

- D. Arterial - A street for the purpose of carrying fast and/or heavy traffic.
- E. Private - A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

Structure - 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, manufactured homes, walls, fences and billboards.

Supply Yards - A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

Use - The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

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

Veterinary animal Hospital or Clinic - A place used for the care, grooming diagnosis and treatment of sick ailing, infirm or injured animals, and those who are in need of medical or surgical attention and may include boarding that is incidental to the primary activity.

Vicinity Map - A drawing which sets forth by dimensions or other means the relationship of the proposed development or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway - A public way, four (4) feet or more in width, for pedestrian use only, whether or not along the side of a road.

Yard - A required open space, other than a court, unoccupied

and unobstructed by any structure from three (3) feet above the general ground level of the grades lot upward; provided, accessories, ornaments and furniture may be permitted in any year, subject to height limitations and requirements limiting obstruction of visibility.

- A. Yard, Front - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. Yard, Rear - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of principal building.
- C. Yard, Interior Side - A yard extending from the principal building to the sides of the principal building between the lines of establishing the front and rear yards.
- D. Yard, Street Side - A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

Zoning Permit - A document issued by the Administrator authorizing the uses of land and structures, and the characteristics of the uses.

CHAPTER 3 ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

SECTION 1: INTENT

The following zoning districts are hereby established. For the interpretation of this Ordinance, the zoning districts have been formulated to realize the general purposes as set forth in this Ordinance. In addition the specific purpose of each zoning district shall be as stated.

SECTION 2: ZONING DISTRICTS

A. REGULATIONS FOR THE R1 (RESIDENTIAL) ZONE

The purpose of the R1 (Residential) Zone is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of low density areas which are best suited for residential purposes.

1. USES ALLOWED

Single family dwellings

2. CONDITIONAL USES PERMITTED

The Commission may, offer proper notice and public hearing as prescribed in Section 67-6509, IDAHO CODE, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The Commission shall have the authority to impose such conditions and safeguards as authorized in Chapter 4 Performance Standards, to protect the best interests of the surrounding property of neighborhood from damage, hazard, nuisance or other detriment.

a. Public uses

b. Semi-public uses

c. House Occupation as outlined in the Section - PROVISIONS FOR UNIQUE LAND USES

d. Multi-section Manufactured Home as outlined in Section - PROVISIONS FOR UNIQUE LAND USES

3. HEIGHT REGULATIONS

- a. No building in a R1 zone shall exceed the height of 35' from the crown of the road fronting the lot.

4. SETBACK REQUIREMENTS

- a. A front yard shall be minimum of twenty-five (25) feet.
- b. A side yard shall be a minimum of ten (10) feet, except on a corner lot, a side yard, on the street side shall be a minimum of twenty-five (25) feet.
- c. A rear yard shall be a minimum of five feet if a public owned alley adjoins the rear yard and a minimum of ten (10) feet is required where no public owned alley adjoins the rear yard.

5. AREA REQUIREMENTS

- a. The minimum lot area shall be 11250 square feet unless conditions indicate that additional area is required to meet the minimum standards to insure conformance to state pollution health and environmental precautions. In such instances the Commissions may require additional area by Conditional Use Permit procedure.
- b. The minimum lot width shall be seventy-five (75) feet.

6. OFF-STREET PARKING REQUIREMENTS

- a. A minimum of two (2) off-street parking spaces per dwelling unit shall be required.

7. SIGNS

In an R1 zone all signs must follow the guidelines set in Chapter 7 - SIGNS.

8. ANIMALS

- a. No livestock or wildlife animals shall be allowed in an R-1 Zone.
- b. No more than two (2) dogs or three (3) cats shall be allowed. A combination of both types of animals shall not exceed three (3) per dwelling unit.
- c. A kennel License shall be necessary to exceed the limit in paragraph b.

B. REGULATIONS FOR THE R-2 (RESIDENTIAL - TWO FAMILY) ZONE

The purpose of the R-2 (Residential - Two Family) Zone is to preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of low density areas which are best suited for residential purposes.

1. USES ALLOWED

- a. Two family dwellings
- b. Single family dwellings

2. CONDITIONAL USES PERMITTED

The Commission may, offer proper notice and public hearing as prescribed in Section 67-6509, IDAHO CODE, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The Commission shall have the authority to impose such conditions and safeguards as authorized in Chapter 4 Performance Standards, to protect the best interests of the surrounding property of neighborhood from damage, hazard, nuisance or other detriment.

- a. Public uses
- b. Semi-public uses
- c. House Occupation as outlined in the Section - PROVISIONS FOR UNIQUE LAND USES
- d. Double-wide Manufactured Home as outlined in Section - PROVISIONS FOR UNIQUE LAND USES

3. HEIGHT REGULATIONS

- a. No building in a R-2 zone shall exceed the height of 35' from the crown of the road fronting the lot.

4. SETBACK REQUIREMENTS

- a. A front yard shall be minimum of twenty-five (25) feet.
- b. A side yard shall be a minimum of ten (10) feet, except on a corner lot, a side yard, on the street side shall be a minimum of twenty-five (25) feet.
- c. A rear yard shall be a minimum of five feet if a public owned alley adjoins the rear yard and a minimum of ten (10) feet is required where no public owned alley adjoins the rear yard.

5. AREA REQUIREMENTS

- a. The minimum lot area shall be 15000 square feet unless conditions indicate that additional area is required to meet the minimum standards to insure conformance to state pollution health and environmental precautions. In such instances the Commissions may require additional area by Conditional Use Permit procedure.
- b. The minimum lot width shall be seventy-five (75) feet.

6. OFF-STREET PARKING REQUIREMENTS

- a. A minimum of two (2) off-street parking spaces per dwelling unit shall be required.

7. SIGNS

In an R2 zone all signs must follow the guidelines set in Chapter 7 - SIGNS.

8. ANIMALS

- a. No livestock or wildlife animals shall be allowed in an R2 Zone.
- b. No more than one (1) dogs or two (2) cats shall be allowed. A combination of both types of animals shall not exceed two (2) per dwelling unit.

C. REGULATIONS FOR THE R3 (RESIDENTIAL - MULTI-FAMILY) ZONE

The purpose of the R3 Zone is to permit the establishment of multi-family dwellings not to exceed twelve (12) dwelling units per net acre. All such districts must have direct access and egress to an arterial or collector thoroughfare and have centralized water and sewer facilities of sufficient size.

1. USE ALLOWED-

- a. Multi-Family Rental Units
- b. Condominiums
- c. Planned Unit Developments
- d. Boarding Houses
- e. Nursery School - Day Care Center
- f. R-1 Allowed Uses
- g. Nursing Homes
- h. Hospital

2. CONDITIONAL USES

The Commission may, after proper notice and public hearing as prescribed in Section 67-6509, IDAHO CODE, permit the following uses where it is deemed essential and/or desirable to the public convenience or welfare. The Commission shall have the authority to impose such conditions and safeguards as outlined in Chapter 4 PERFORMANCE STANDARDS to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

- a. Public uses
- b. Semi-Public uses
- c. Home occupation

3. HEIGHT REQUIREMENTS

No building in a R3 zone shall exceed the height of 35' from the crown of the road fronting the lot.

4. SETBACK REQUIREMENTS

a. A front yard shall be a minimum of twenty (20) feet.

b. A side yard shall be a minimum of ten (10) feet, except on a corner lot, a side yard on the street side shall be a minimum of twenty (20) feet.

c. A rear yard shall be a minimum of twenty (20) feet.

5. AREA REQUIREMENTS

a. The minimum lot area for a multi-family dwelling shall be one (1) acre.

b. For a multi-family dwelling, the minimum lot area shall be one and one-half (1.5) times the gross amount of living space proposed for the development or 43,560 square feet whichever is greater. No development in this Zone shall exceed a gross density of eight (8) dwelling units per acre.

c. The minimum lot width shall be 75 feet.

6. OFF STREET REQUIREMENT

A minimum of one and one-half (1.5) parking spaces shall be required for each dwelling unit.

7. SIGNS

In an R3 Zone, all signs must follow the guidelines established in Chapter 7 - SIGNS.

8. ANIMALS

a. No livestock or wildlife animals shall be allowed in an R3 Zone.

- b. No more than one (1) dog or one (1) cat shall be allowed. A combination of both types of animals shall not exceed two (2) per dwelling unit.

9. OTHER CONDITIONS OF USE

There shall be at least 150 square feet of recreational area per dwelling unit.

D. REGULATIONS FOR THE R4 (RESIDENTIAL - MOBILE HOME PARK) ZONE

The purpose of the R4 Zone is to permit the permanent establishment of manufactured homes on individual owner occupied building lots. Mobile homes shall not be allowed.

1. USE ALLOWED

Manufactured homes.

2. CONDITIONAL USES PERMITTED

The Commission may, after proper notice and public hearing as prescribed in Section 67-6509, IDAHO CODE, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The Commission shall have the authority to impose such conditions and safeguards as are outlined in Chapter 4 Performance Standards the best interests of the surrounding property neighborhood from damage, hazard, nuisance, or other detriment:

- a. Public uses.
 - b. Semi-public uses.
 - c. Single Family residence
3. HEIGHT REGULATIONS

The maximum height allowed on any buildings or structure in a R4 Zone shall not exceed twenty (20) feet.

4. SETBACK REQUIREMENT

- a. A front yard shall be a minimum of twenty five (25) feet.
- b. A side yard shall be a minimum of fifteen (15) feet, except for a corner lot; a side yard on the street side shall be a minimum of twenty five (25) feet.
- c. A rear yard shall be a minimum of twenty (20) feet, unless the rear yard is bordered by a publicly owned alleyway, then the minimum rear yard set back shall be ten (10) feet.

5. AREA REQUIREMENTS

- a. For a R4 zone mobile home park the minimum lot area shall be 2 acres unless conditions indicate that additional area is required to insure that conformance to state pollution, health, and environmental precautions. In such instances the Commission may require additional area by Conditioned Use Permit procedure.

6. OFF-STREET PARKING REQUIREMENTS

A minimum of two (2) parking spaces per dwelling unit shall be required.

7. SIGNS

In an R4 Zone all signs must follow the guidelines set in Chapter 7 - SIGNS.

8. ANIMALS

- a. No livestock or wildlife animals are allowed in a R4 Zone.
- b. Domestic animals are permitted at a maximum of one domestic animal for every 2750 square feet of building lot.

E. REGULATIONS FOR THE C1 (COMMERCIAL) ZONE

The purpose of a C1 Commercial Zone is to accommodate and encourage further expansion of commercial enterprise in the community. A variety of business, public, quasi-public, cultural, and other related uses are encouraged in an effort to provide the mix of activities necessary to establish a viable commercial core.

1. USES ALLOWED

- a. Amusement centers, indoor only
- b. Auto Sales, Service, Storage, Rental
- c. Bakery or bakery goods store
- d. Bank - Savings and loan
- e. Barber - Beauty salon
- f. Bowling alley
- g. Building Supply Outlet
- h. Car Wash
- i. Cabinet Shop
- j. Church
- k. Cleaning, Laundry Service
- l. Dance, Music, Voice studio
- m. Drive-In Theater
- n. Drug Store
- o. Equipment rental and sales yard
- p. Food Store, Delicatessen
- q. Furniture Shop
- r. Furniture refinishing
- s. Gift Shop
- t. Laboratory - Medical, Dental, Optical
- u. Laundromat - Self Service Cleaner
- v. Mortuary
- w. Motel
- x. Multi-Family dwelling units
- y. Nursery School - Day Care Center
- z. Nursery for flowers and plants
- aa. Nursing Home for the aged
- ab. Office, Medical, Professional
- ac. Parking lot, garage or facility
- ad. Photographic Studio
- ae. Prescription Pharmacy, Optician
- af. Restaurant - Bar
- ag. Retail Stores and Services
- ah. School, elementary - high school
- ai. School, College
- aj. Service Station
- ak. Shop for building contractor
- al. Sign Shop

- am. Tire Shop
- an. Farm Implement, Sales Yard

2. CONDITIONAL USES PERMITTED

The Commission may, after proper notice and public hearing as prescribed in Section 67-6509, IDAHO CODE, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The Commission shall have the authority to impose such conditions and safeguards as outlined in Chapter 4 Performance Standards to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance, or other detriment.

- a. Public uses
- b. Semi-Public uses
- c. Planned Unit Development
- d. Drive-In restaurants

3. HEIGHT REGULATIONS

No building or structure shall exceed fifty (50) feet in height.

4. SET-BACK REQUIREMENTS

No set-back requirements are required in a C1 commercial zone with the exception of complying with the IDAHO MOTOR VEHICLE CODE - Rules of the Road.

5. AREA REQUIREMENTS

No minimum size requirements have been set for a C1 commercial zone.

6. OFF-STREET PARKING REQUIREMENTS

There shall be adequate parking for the business.

7. SIGNS

Signs in a C1 commercial zone must comply with the guidelines established in Chapter 7 - SIGNS for a commercial zone.

8. ANIMALS

No animals are allowed in a C1 commercial zone.

F. REGULATIONS FOR THE I1 (INDUSTRIAL) ZONE

The purpose of the I1 Zone is to encourage and permit development of manufacturing and wholesale business establishments. These activities require extensive community facilities and reasonable access to arterial thoroughfares.

1. USES ALLOWED

- a. Asphalt Plant
- b. Beverage Bottling Plant
- c. Billboard manufacturing
- d. Concrete Batch Plant
- e. Cement or clay products manufacturing
- f. Contractors storage yard
- g. Dairy products processing
- h. Food processing plant
- i. Fuel yard
- j. Grain Storage
- k. Ice Manufacturing
- l. Lumber Yard - Retail
- m. Machine - Shop
- n. Monument Works - Stone
- o. Planning Mill
- p. Public utility yard
- q. Railroad yard or shop
- r. Terminal yard, trucking
- s. Truck and tractor repair
- t. Warehousing - Wholesaling
- u. Wood processing plant

2. CONDITIONAL USE PERMITTED

The Commission may, after proper notice and public hearing as prescribed in section 67-6509, IDAHO CODE, permit the following uses where such uses are deemed essential or desirable to the public convenience and welfare. The Commission shall have

the authority to impose such conditions and safeguards as has been outlined in Chapter 4 Performance Standards to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriments.

- a. Public Uses
- b. Semi-Public Uses
- c. Chemical Storage and Manufacturing
- d. Meat Packing,
- e. Riding Stables and Schools
- f. Bulk Storage of flammable liquids and gases, above ground and for resale.

3. HEIGHT REGULATIONS

A maximum in height of sixty (60) feet shall not be exceeded in an I1 Zone.

4. SET-BACK REQUIREMENTS

None

5. AREA REQUIREMENTS

None

6. OFF-STREET PARKING REQUIREMENTS

One (1) parking space for every two (2) employees (on the largest shift the building is designed) plus one (1) for each motor vehicle used in the business.

7. SIGNS

Signs in a C1 commercial zone must comply with the guidelines established in Chapter 7-SIGNS for a commercial zone.

8. No animals are allowed in a C1 commercial zone.

G. REGULATIONS FOR THE A1 (AGRICULTURE) ZONE

The purpose of the A1 (Agriculture) Zone is to preserve land for agricultural and directly-related farm uses, discourage premature suburban development and prevent inefficient, untimely and expensive extension of municipal utilities. The types and intensity of uses permitted are intended to protect agricultural uses until densities reach, or average, twenty (20) acres or less per tract.

1. USES ALLOWED

- a. General farming, forestry, ranching and other agricultural activities and structures, but not the operation of dairies, commercial feed lots or similar operations.
- b. Single-family farm or ranch homes on minimum twenty (20) acre lot.
- c. Manufactured home converted to real estate on minimum twenty (20) acre lot.
- d. Public parks and recreation or play areas.
- e. Public fairgrounds and/or rodeo arenas.
- f. Elementary or secondary schools.
- g. Churches and religious temples.
- h. Community or neighborhood meeting or recreation buildings.
- i. Public stables.
- j. One permanent dwelling (must be on permanent foundation) for each immediate family member shall be allowed to be located on one (1) deeded acre, provided that:
 1. This is a one time allowance for a deviation from the lot area requirements of this Ordinance and any subsequent provision of property to each family member must fully comply with all

provisions of this Ordinance and the County Subdivision Regulations.

2. Proof of relationship must be provided with the application for a building permit.

2. PERMITTED ACCESSORY USES AND STRUCTURES

Subject to the provisions of this and other Ordinances, the following accessory uses and structures are permitted in the A1 (Agricultural Zone):

- a. Uses and structures (including accessory signs) clearly incidental and necessary to the permitted principal uses or structures of this District which do not involve the conduct of business, other than "home occupation", on the premises including accessory signs; provided, that, said signs are in full compliance with all appropriate provisions of the City of Roberts Ordinances.
- b. Private swimming pools and tennis courts.
- c. Private greenhouses.
- d. Temporary buildings used in conjunction with construction work.
- e. Commercial fresh vegetable/fruit stand, operated on a temporary or seasonal basis.
- f. Solar collectors, whether as a part of a structure or incidental to a group of nearby structures, when used for the purpose of providing energy for heating and/or cooling of these structures.
- g. Wind energy conversion systems; provided that all requirements of this Zoning Ordinance and the adopted construction codes, building permit provisions and other applicable provisions of Ordinances are complied with.
- h. Satellite receiving dishes and/or antennas.

i. Farm labor housing provided that:

1. A plan is submitted for Planning Commission review and approval if more than one (1) farm labor dwelling is to be located on any farm.
2. The District Seven Health Department has reviewed and approved the sewage system for the proposed dwelling(s).
3. The dwellings are owned by the farmer of the acreage where they are located.
4. No rent is charged for use of the dwellings.
5. Residents are employed on the farm where the dwellings are located.

3. CONDITIONAL USES PERMITTED

Subject to the requirements of all other provisions of this Zoning Ordinance, the Planning Commission may permit the following uses as a Special or Conditional Use:

- a. Public buildings, utilities and railroads (but not including un-screened equipment storage and maintenance yards, or general administrative and sales offices).
- b. Communication stations and towers.
- c. Airfields, airports and landing strips.
- d. Oil or natural gas drilling operations or the extraction of minerals.
- e. One (1) temporary dwelling for an immediate family member may be allowed on a minimum of one (1) acre, provided that:
 1. The use may be allowed, with issuance of an Occupance Permit, for one (1) year and then shall be reviewed annually to

determine if the circumstances justify issuing an Occupance Permit for another year.

2. An Occupancy Permit shall not be transferred to another individual.
 3. No transfer of land ownership occurs.
 4. All other provisions of this Ordinance and the County Subdivision Regulations are followed.
- f. Outdoor advertising sign.
 - g. Animal hospitals, dog kennels or veterinarian services.
4. MINIMUM LOT AREA AND WIDTH; MINIMUM FRONT, SIDE AND REAR YARD SETBACKS; MAXIMUM HEIGHT:
- a. Minimum lot area for any residential use: twenty (20) acres.
 - b. Minimum lot width (front) is two hundred fifty (250) feet.
 - c. Minimum setbacks are one hundred (100) feet from centerline of an arterial and eighty (80) feet from the centerline of a collector or local road as shown on the Transportation Element of the Jefferson County Comprehensive Plan.
5. SPECIAL REQUIREMENTS:
- a. Sight Triangle: Hedges, shrubbery, bushes or signs of more than two (2) feet in height shall not be allowed within the equal lateral triangle area of fifty (50) feet along local or seventy five (75) feet along collector roads and one hundred twenty five (125) feet along arterial roads on a corner or at any access point, so as to restrict the vision of drivers, persons on bicycles or pedestrians.

- b. Intensity of Use For all permitted uses in this District, there shall be a lot area of not less than twenty (20) acres.
- c. Coverage Main and accessory buildings shall not cover more than fifteen percent (15%) of the lot area.
- d. (Screening and Landscaping) Nonresidential uses allowed to be located within three hundred (300) feet of an adjacent residential use or existing residential zone shall be screened or a landscaped buffer area planted and maintained, by the nonresidential user, along the common boundary.

H. REGULATIONS FOR THE A2 (AGRICULTURAL-RESIDENTIAL) ZONE

The purpose of the A2 (Agricultural-Residential) Zone is to accommodate the initial stages of the transition from rural to low-density urban uses. The goals of this District are similar to those of the Agriculture A1 District, but reflect a recognition of early growth and utility pressures and density changes. Intensity and type of uses in this district should be in the density range of five (5) to twenty (20) acres per tract, and still remain protective of the existing or remaining agricultural uses, while providing for the beginnings of compatible, low-density urbanization.

1. PERMITTED PRINCIPAL USES AND STRUCTURES:

- a. General farming, forestry, ranching and other agricultural activities and structures, but not the operation of dairies, commercial feed lots or similar operations.
- b. Single-family farm or ranch homes.
- c. Manufactured home.
- d. Public parks and recreation or play areas.
- e. Public fairgrounds and/or publicly-owned rodeo arenas.
- f. Elementary or secondary schools.

- g. Churches and religious temples.
- h. Golf courses and country clubs, except miniature golf courses or commercial driving ranges operated separately from a golf course or country club.
- i. Community or neighborhood meeting or recreation buildings.
- j. Public stables.
- k. Farm building directly related to uses.
- l. Private garages.
- m. Private swimming pools and tennis courts.
- n. Private greenhouses (not operated for commercial purposes) and gardens or areas for the raising of agricultural crops.
- o. Uses and structures (including accessory signs) clearly incidental and necessary to the permitted principal uses or structures of this District which do not involve the conduct of business, other than "home occupations", on the premises.
- p. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of construction work.
- q. Commercial fresh vegetable/fruit stand, operated on a temporary or seasonal basis.
- r. Solar collectors, whether as a part of a structure or incidental to a group of nearby structures, when used for the purpose of providing energy for heating and/or cooling of these structures.
- s. Wind energy conversion systems; provided they are in compliance with all applicable requirements of this Zoning Ordinance and the adopted Construction Codes, Building Permit

Provisions and all other applicable provisions of the Ordinances are complied with.

t. Satellite receiving dishes and/or antennas.

2. CONDITIONAL USES AND STRUCTURES PERMITTED

Subject to the requirements of all other provisions of this Zoning Ordinance, the Planning Commission may permit the following uses and structures as a Special or Conditional Use:

a. Public buildings, utilities and railroads (but not including un-screened equipment storage and maintenance yards, or general administrative and sales offices).

b. Communication stations and towers.

c. Gun Range, Rifle Range or pistol range.

d. Public Stables.

e. Grain elevators, storage bins and feed mills.

f. Tourist trailer camps and RV parks.

g. Airfields, airports and landing strips.

h. Cemeteries or mausoleums.

i. Child or day care centers.

j. Oil or natural gas drilling operations.

k. Extraction of sand, gravel and other minerals.

l. Animal hospitals, dog kennels or veterinary clinics.

m. Home based business

n. Temporary dwelling (See 3.1.4(D) item 5 for provisions).

3. MINIMUM LOT AREA AND WIDTH; MINIMUM FRONT, SIDE AND REAR YARD SETBACKS; MAXIMUM HEIGHT:

- a. Minimum lot width (front): is two hundred fifty (250) feet.
- b. Minimum lot area for any residential use: Five (5) acres.
- c. Front: Minimum setbacks are one hundred (100) feet from centerline of an arterial and eighty (80) feet from the centerline of a collector or local read as shown on the Transportation Element of the Jefferson County Comprehensive Plan. When a lot has double frontage, the front yard requirements shall be provided on both streets.
- d. Side: The minimum depth of the side yard shall be twenty five (25) feet for interior lots. For churches and main accessory buildings other than dwellings, there shall be a side yard setback from all interior lot lines of not less than thirty five (35) feet.
- e. Rear: There shall be a minimum rear yard for a main building of not less than fifty (50) feet.
- f. The maximum height shall be thirty five (35) feet.

5. SPECIAL REQUIREMENTS:

- a. Sight Triangle: Hedges, shrubbery, bushes or signs of more than two (2) feet in height shall not be allowed within the equal lateral triangle area of fifty (50) feet along local or seventy five (75) feet along collector roads and one hundred twenty five (125) feet along arterial roads on a corner or at any access point, so as to restrict the vision of drivers, persons on bicycles or pedestrians.
- b. Intensity of Use: Where a lot has less area than required herein, and all of the boundary lines of the lot touch lands under other ownership as of the effective date of this Zoning Ordinance, that lot may be used for a pertinent one-family dwelling or for any of

the principal permitted uses in this district.

- c. Coverage Main and accessory buildings shall not cover more than twenty five percent (25%) of the lot area in interior lots.
- d. (Screening and Landscaping) Nonresidential uses allowed to be located within three hundred (300) feet of an adjacent residential use or existing residential zone shall be screened or a landscaped buffer area planted and maintained, by the nonresidential user, along the common boundary.

CHAPTER 4 PERFORMANCE STANDARDS

SECTION 1: GENERAL

The purposes of Performance Standards is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered.

SECTION 2: SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to all yard regulations specified in the Official Schedule and in other sections of this Ordinance, the following provisions shall be adhered to:

A. VISIBILITY

The establishment of planned fence heights and sight triangles is necessary in order to insure that there will be adequate amounts of light and air; to provide adequate visibility when entering or leaving streets; to promote safety; to reduce congestion; and to provide space for landscaping, both now and in the future, when all streets and highways have been widened to their ultimate width.

1. Fences.

In a residential district hedges, fences and walls shall not exceed six (6) feet in height. No fence, wall, hedge, or other sight obscuring object or structure which is more than three (3) feet in height shall be constructed or allowed to exist above said height within twenty (20) feet of the lot line abutting any street.

In a commercial or industrial district a fence or wall, not to exceed eight (8) foot in height, may extend to the edge of the lot line abutting the street if it does not interfere with adequate visibility when entering or leaving streets or public safety in any way whatsoever.

This section shall not be construed to permit any structure, shrub, hedge or sight obscuring object to exist in violation of Section C of this Ordinance.

2. Clear View of Intersecting Streets and Ways.

For the purpose of insuring reasonable visibility and safety in the residential districts and in the business districts which require buildings set back from the right-of-way line, the triangle of land formed on any corner lot by drawing a line between the points on the two lot lines, which points are each forty (40) feet from the intersection of said lot lines, shall be free from structure or other obstructions, except as otherwise permitted in this section.

Any triangle of land formed along any street by drawing a line between a point on the lot line parallel to the street (which point is fifteen [15] feet from an alley or driveway which abuts the street) and a point on the near side of the alley or driveway (which point is fifteen [15] feet from the lot line) shall be free from structures or other obstructions, except as otherwise permitted in this section.

Trees in such triangles shall be trimmed from the ground level to at least seven (7) feet above the curb. Shrubs, fences and walls in such triangles shall not exceed three (3) feet in height.

3. Use of City Property

To promote neat, clean and orderly neighborhoods, the city encourages the private landscaping of unused right-of-ways along streets, with the following conditions: improvements can only be made by the property owner who's lot abuts directly on the right-of-way in question; improvements shall be removed upon request by the city for any reason whatsoever; the property owner shall maintain the improvements in an attractive manner at his or her own expense; no landscaping, fence, wall, shrub, hedge, or other sight obscuring object or structure which is more than three (3) feet in height shall be constructed or allowed to exist above said height; and the property owner shall sign a hold harmless agreement absolving the city of any liability resulting from said improvements. This section shall not be construed to permit any structure, shrub, hedge or sight obscuring object to exist in violation of Section C of this

Ordinance.

B. YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district:

C. SIDE AND REAR YARD REQUIREMENTS FOR NON - RESIDENTIAL

Abutting Residential Districts - Non-residential building or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Commission is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than four (4) feet in height at the time of planting:

D. ARCHITECTURAL PROJECTIONS

Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard;

E. EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 3: SUPPLEMENTAL GENERAL PROVISIONS

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

A. CONVERSION OF DWELLINGS TO MORE UNITS

A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for the new structure in that district;
2. The lot area per family equals the lot area requirements for new structures in that district;

B. TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a Zoning Permit authorized by the Administrator.

C. PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings or carports. However, one (1) boat and one (1) travel trailer may be stored in the side or rear yard.

D. REQUIRED TRASH AREA

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

SECTION 4: PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectional conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

A. FIRE HAZARDS

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the Uniform Fire Code and the National Safety Foundation publications;

B. RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance;

C. NOISE

Objectionable noise as determined by the Administrator which is due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement;

D. VIBRATION

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property;

E. AIR POLLUTION

Air pollution shall be subject to the requirements and regulations established by the Health Authority;

F. GLARE

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

G. EROSION

No erosion, by man, wind or water, shall be permitted which is visible from any property outside a manufacturing district or from any street;

H. WATER POLLUTION

Water pollution shall be subject to the requirements and regulations established by the Health Authority;

I. ENFORCEMENT PROVISIONS

The Administrator, prior to the issuance of a Zoning Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York, the Manufacturing Chemists' Association, Inc., Washington, D.C. the United States Bureau of Mines and the Health Authority.

SECTION 5: PROVISIONS FOR UNIQUE LAND USES

Certain unique land uses pose special problems that may have detrimental influences on surrounding land uses. The following performance standards for such unique land uses shall be adhered to in addition to all other provisions of this Ordinance:

A. ACCESSORY BUILDING

1. Will not be located in any required front yard area;
2. Will not be located closer than five (5) feet from any side or rear property line.

B. ANIMAL CLINIC, ANIMAL HOSPITAL, VETERINARY OFFICE AND KENNEL

1. Will be located at least three hundred (300) feet from any residence including motels and hotels,

except for an owner's residence. The Administrator may modify these requirements if the animals are completely housed in sound-proof structures that completely screen them from view of the abutting residential property;

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

C. MEAT PACKING

1. Will be located not less than six hundred (600) feet from any residence, except for an owner's residence. Such facilities shall have a minimum set-back of thirty (30) feet from any property line;
2. Will be designed and located with full consideration to their proximity to adjacent uses, their effect upon adjacent and surrounding properties, and to the reduction of such nuisance factors as odor; and
3. Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to a Health Authority requirements as to the elimination of waste materials and the maintenance of water quality control.

D. BULK STORAGE OF FLAMMABLE LIQUIDS AND GASES, ABOVE GROUND AND FOR RESALE

1. Will be located at least three hundred (300) feet from a residential zone, a residence, motel, hotel, except for an owners residence;
2. Will be erected subject to the approval of the fire chief; and
3. Will have suitable loading and unloading spaces and of-street parking facilities subject to the approval of the fire chief;

E. DRIVE-IN RESTAURANT

1. Will be enclosed on the property line with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties;
2. Will have a six (6) foot high sight obscuring fence along the property lines that adjoin a residence;
3. Will provide for adequate trash receptacles; and
4. Will avoid the direction of night lighting toward any residence.

F. HOME OCCUPATION

1. No more than one (1) person other than members of the immediate family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling area shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the principal building.
4. No significant traffic shall be generated by the conduct of such home occupation; shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard; and
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other

than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

G. OUTDOOR STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIALS

1. Will be screened from view from any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street;
2. Will not be located in any front yard setback area.

H. RIDING STABLES AND SCHOOLS

1. Will locate all stables or loafing sheds not nearer than one hundred (100) feet from any residence, except for an owner's residence. All facilities shall be set back a distance of thirty (30) feet from any property line;
2. Will be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties, as to the storage or horse trailers, and the factors of noise and odor.
3. Will require that the owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.

CHAPTER 5 PLANNED UNIT DEVELOPMENTS (PUD)

SECTION 1: PURPOSE

It shall be the policy to guide a major development of land and construction by encouraging Planned Unit Developments (PUD) to achieve the following:

- A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building set-backs and area requirements;
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses, and services;
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and
- E. A development pattern in harmony with land use density, transportation and community facilities objectives of the Comprehensive Plan.

SECTION 2: PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT

Whenever there is a conflict or difference between the provisions of this Chapter and those of other Chapters of this Ordinance, the provisions of this Ordinance, the provisions of this Chapter shall prevail. Subjects not covered by this Chapter shall be governed by the respective provisions found elsewhere in this Ordinance.

SECTION 3: MINIMUM AREA

A PUD for the following principal uses shall contain an area of not less than:

A. Five (5) acres for multi-family and mobile home park land uses

B. Ten (10) acres for commercial use.

SECTION 4: USES PERMITTED

All uses that may be allowed within the land use district are permitted within a PUD. Also, up to ten percent (10%) of the gross land area may be directed to other commercial, industrial, public, and quasi-public uses that are not allowed within the land use district; provided, there is a favorable finding by the Commission:

A. That the uses are appropriate with the residential uses;

B. That the uses are intended to serve principally the residents of the PUD;

C. That the uses are planned as an integral part of the PUD;

D. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards; and

E. That a minimum of fifty percent (50%) of the residential development occur prior to the development of the related commercial or industrial land uses.

SECTION 5: OWNERSHIP REQUIREMENTS

An application for approval of a PUD may be filed by a property owner or a person having an existing interest in the property to be included in the PUD. The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property.

Before approval is granted to the Final Development Plan, the entire project shall be under single ownership or control and legal title must be presented with the Final Development Plan.

SECTION 6: COMMON OPEN SPACE

A minimum of ten percent (10%) of the gross land area developed in any residential PUD project shall be reserved for

common open space and recreational facilities for the residents or users of the area being developed.

The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, and recreation and related uses. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the Final Development Plan.

Every property developed under the PUD approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

SECTION 7: UTILITY REQUIREMENTS

Underground utilities, including telephone and electrical systems, are required within the limits of all PUD's. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed PUD.

SECTION 8: INCREASED RESIDENTIAL DENSITY

To provide for an incentive for quality PUD, the Commission may authorize an increased residential density of up to fifteen percent (15%) of the allowable number of dwelling units. Character, identity and architectural and siting variation incorporated in a development shall be considered cause of density increases, provided these factors make a substantial contribution to the objectives of the PUD, which are as follows:

- A. Landscaping (a maximum increase of five percent (5%) streetscape, open spaces and plazas, use of existing landscaping, pedestrian way treatment and recreational

areas;

- B. Siting (a maximum increase of five percent (5%), visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building set-backs and building grouping (such as clustering).
- C. Design features (a maximum increase of five percent (5%), street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types.

SECTION 9: ARRANGEMENT OF COMMERCIAL USES

When PUD's include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planning screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

SECTION 10: ARRANGEMENT OF INDUSTRIAL USES

PUD's may include industrial uses if it can be shown that a development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in park like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and compact grouping in order to economize in the

provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

SECTION 11: PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT

When the PUD also qualifies as a subdivision, the processing of the Special Use Permit for a PUD shall require a pre-application, the submission of a Preliminary Development Plan and approval by the Council of a Final Development Plan as specified within this Ordinance.

SECTION 12: PRE-APPLICATION MEETING

The Developer shall meet with the Administrator prior to the submission of the Preliminary Development Plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and such other plans and ordinances as deemed appropriate.

SECTION 13: CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

An application for preliminary PUD shall be filed with the Commission by a property owner or person having existing interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following information filed in triplicate:

- A. Name, address and home number of applicant;
- B. Name, address and home number of registered Surveyor, registered Engineer and/or Urban Planner assisting in the preparation of the Preliminary Development Plan;
- C. Legal description of property;

- D. Description of existing use;
- E. Zoning districts;
- F. A vicinity map at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning and such other items as the Commission may require to show the relationship of the PUD to the Comprehensive Plan and to existing schools and other community facilities and services;
- G. A preliminary Development Plan at a scale approved by the Commission showing topography at two (2) foot intervals; location and type of residential, commercial and industrial land uses; layout, dimensions, and names of existing and proposed streets; right-of-way; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Commission deems necessary;
- H. Proposed schedule for the development of the site; and
- I. Evidence that the applicant has sufficient control over the land in question to initiate the proposed Development Plan within two (2) years. The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the PUD would be in the public interest.

SECTION 14: PROCEDURE FOR PUBLIC NOTICE

The same provision for public hearing and legal notification as required for Special Use Permits shall be followed.

SECTION 15: APPROVAL IN PRINCIPLE BY THE COMMISSION

Within thirty (30) days after the public hearing the Commission shall review the Preliminary Development Plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits, combination of various land uses and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commissions' approval in principle of the Preliminary

Development Plan shall be necessary before an applicant may submit a Final Development Plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

The Commission shall consider the general standards applicable to Special Use Permits and criteria for special uses before approving in principle a Preliminary Development Plan.

SECTION 16: CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENTAL PLAN

Upon approval in principle of a Preliminary Development Plan, an application for approval of the Final Development Plan may be filed with the Administrator by at least one (1) property owner or person having a presently existing interest in the property for which the PUD is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site; including major wooded areas, structures, streets, easements, utility lines and land uses;
- B. All the information required on the Preliminary Development Plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity and land use considered suitable for adjacent properties;
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streets capes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development

improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development:

- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements and nature and extent of earth work required for site preparation and development;
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship;
- F. Preliminary building plans, including floor plans and exterior elevations;
- G. Landscaping plans; and
- H. Deed restrictions, protective covenants and other legal statements or devices or to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to commonly owned and maintained.

SECTION 17: RECOMMENDATION BY COMMISSION

Within sixty (60) days after receipt of the Final Development Plan, the Commission shall recommend to the Council that the Final Development Plan be approved as presented, approved with the supplementary conditions that were disapproved. The Commission shall then transmit all papers constituting the record and the recommendations to the Council.

The Commission shall find that the facts submitted within the application and presented to them establish that:

- A. The proposed development can be initiated within two (2) years of the date of approval;
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and

potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;

- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD.
- D. Any proposed commercial development can be justified at the locations proposed;
- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Final Development Plan, in accordance with the PUD and the adopted policy of the Council;
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The PUD is in general conformance with the Comprehensive plan; and
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

SECTION 18: ACTION BY THE COUNCIL

Within sixty (60) days after receipt of the final recommendation of the Commission, the Council shall either approve, approve with supplementary conditions or disapprove the applications as presented. Upon granting or denying the application the Council shall specify:

- A. The Ordinance 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 a permit.

If the application is either approved or approved with conditions, the Council shall direct the Commission to issue Zoning Permits only in accordance with the approved

Final Developmental Plan and the supplementary conditions attached thereto.

SECTION 19: EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a Final Development Plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required Subdivision Plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved Final Development Plan shall be void. An extension of the time limit or modification of the approved Final Development Plan may be approved if the Commission finds that such extension or modification is not in conflict with the public interest.

CHAPTER 6 MOBILE HOME PARK

SECTION 1. PURPOSE

It shall be the policy to guide a mobile home park development to achieve the following:

- A. Well designed, constructed, operated and maintained development so as 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.
- B. Mobile Home Park Development which will not be hazardous or detrimental to existing or future neighboring uses.
- C. Mobile Home Park Development which will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services.
- D. Mobile Home Park Development which will be consistent with the intent and purpose of this Ordinance.
- E. Vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- F. Development which will not result in the destruction loss of natural, scenic or historic features of major importance.
- G. Mobile Home Park Development which will meet the minimum health standards as set forth by the Health Authority.

SECTION 2. DEVELOPMENT STANDARDS

A. AREAS REQUIREMENTS

The minimum lot area for a mobile home park shall be two (2) acres.

B. MANUFACTURED HOME SPACE - AREA AND DIMENSIONS

Each manufactured home space shall have a minimum width of sixty (60) feet.

C. POPULATION DENSITY

There shall be a maximum density of five (5) manufactured homes per gross acre.

D. BUILDING HEIGHT

No building or structure erected shall have height greater than twenty (20) feet.

E. YARDS

1. All yards shall extend the full width or depth of the lot and shall be open from the ground to the sky.
2. Front: each space shall abut a street and have a front yard not less than twenty five (25) feet extending for the width of the space or parcel; with the exception of corner spaces which must have a set back at twenty (20) feet. All yards must be landscaped and maintained.
3. Side: each space shall have a side yard on both sides of the space or parcel, of not less than ten feet (10) feet with the exception of the corner space which must have a side yard at not less than twenty five (25) feet.
4. Rear: each space shall have a rear yard extending across the full width of the space or parcel devoted to said use of not less than twenty (20) feet.

F. HEDGES, FENCES AND WALLS

1. A mobile home park shall be entirely enclosed with a solid six (6) foot fence or wall with the exception of the area defined as the front yard wherein said wall shall not exceed three (3) feet.
2. No wall or fence over six (6) feet in height shall be permitted.

3. All hedges, fences and walls shall meet the sight triangle requirements in chapter 4.

G. OFF STREET PARKING

1. There shall be two off-street parking spaces for each manufactured home space, located on the manufactured home space.
2. There shall be three additional parking spaces for each five (5) manufactured home spaces. Said parking space shall be used for guest parking.

H. ACCESS

1. Each mobile home park shall abut a dedicated street improved to city standards.
2. Vehicular access roads within the mobile home park shall be fifty (50) feet in width and shall be adequately paved with an asphaltic mix to meet structural requirements of the city.

G. OUTDOOR ADVERTISING

Signs shall be restricted to twenty-five (25) square feet of sign area to advertise the mobile home park for each frontage along the street serving as access to the mobile home park.

SECTION 3. OTHER CONDITIONS TO USE

- A. Each manufactured home space shall be connected to a sewage disposal system approved by the Health Authority.
- B. All roadways shall be adequately paved with an asphaltic mix to meet structural requirements established by the city, and shall therefore be maintained in good repair.
- C. There shall be at least 150 square feet of recreational area per manufactured home space.
- D. Service yards, storage areas and trash disposal areas shall be screened from obvious view.
- E. All streets, walkways and recreation areas shall be adequately lighted.

- F. Fire protection facilities shall be installed within each mobile home park in accordance with the requirements of the fire department or district which has jurisdiction.

SECTION 4. CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

An application for preliminary Mobile Home Park Development shall be filed with the Commission by a property owner or person having existing interest in the property for which the Mobile Home Park Development is proposed. At a minimum, the application shall contain the following information in triplicate:

- A. Name, address, business and home number of applicant;
- B. Name, address, business and home number of registered surveyor, registered Engineer and/or Urban Planner assisting in the preparation of the Preliminary Development Plan.
- C. Legal description of property.
- D. Description of existing use.
- E. Zoning Districts.
- F. A vicinity map at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning and such other items as the Commission may require to show the relationship of the Mobile Home Park to the Comprehensive Plan and to existing schools and other community facilities and services.
- G. A Preliminary Development Plan at a scale approved by the Commission showing topography at two (2) foot intervals; location and type of residential, commercial and industrial land uses; layouts, dimensions, and names of existing and proposed streets; right-of-ways; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvements drawings showing water, sewer, drainage, electricity, telephone, and natural gas and such other characteristics as the Commission deems necessary.
- H. Proposed schedule for the development of the site.

- I. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.

The application for preliminary Mobile Home Park Development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the Mobile Home Park is in the public interest.

SECTION 5. PROCEDURE FOR PUBLIC NOTICE

The same provision for public hearing and legal notification as required for Special Use Permits shall be followed.

SECTION 6. APPROVAL IN PRINCIPLE BY THE COMMISSION

Within thirty (30) days after the public hearing the Commission shall review the Preliminary Development Plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits, combination of various land uses and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the Preliminary Development Plan shall be necessary before an applicant may submit a Final Development Plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

The Commission shall consider the general standards applicable to Special Use Permits and criteria for special uses before approving in principle a Preliminary Development Plan. (See Chapter 12, Section 3 and 4).

SECTION 7. CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN

Upon approval in principle of a Preliminary Development Plan, an application for approval of the Final Development Plan may be filed with the Administrator by at least one (1) property owner or person having a presently existing interest in the property for which the Mobile Home Park Development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied in the application for Final Development Plan. Each application shall clearly state that the approval

shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography of existing features of the development site; including major wooded areas, structures, streets, easements, utility lines and land uses;
- B. All the information required on the Preliminary Development Plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principle for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations, waste disposal facilities, street improvements and nature and extent of earth work required for site preparation and development;
- E. Site plan, showing buildings(s), various functional use areas, circulation and their relationship.
- F. Preliminary building plans, including floor plans and exterior elevations;
- G. Landscaping plans.
- H. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to

be commonly owned and maintained.

SECTION 8. RECOMMENDATION BY COMMISSION

Within sixty (60) days after receipt of the Final Development Plan, the Commission shall recommend to the Council that the Final Development Plan be approved as presented, approved with the supplementary conditions or disapproved. The Commission shall then transmit all papers constituting the record and the recommendations to the Council.

The Commission shall find that the facts submitted with the application and presented to them establish that:

- A. The proposed development can be initiated within two (2) years of the date of approval.
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objectives will be attained, the uses proposed will not be detrimental to present and potential surrounding uses but will have a beneficial effect which would not be achieved under standard district regulations.
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increase densities will not generate traffic in such amounts as to overload the street network outside the Mobile Home Park.
- D. Any proposed commercial development can be justified at the locations proposed.
- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Final Development Plan, in accordance with the Mobile Home Park adopted policy of the Council.
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- G. The Mobile Home Park is in general conformance with the Comprehensive Plan.

- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

SECTION 9. ACTION BY THE COUNCIL

Within the sixty (60) days after receipt of the final recommendation of the Commission, the Council shall either approve, with supplementary conditions, or disapprove the application as presented. Upon granting or denying the application as presented the Council shall specify:

- A. The Ordinance 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 a permit.

If the application is either approved or approved with conditions, the Council shall direct the Commission to issue Zoning Permits only in accordance with the approved Final Development Plan and supplementary conditional attached thereto.

SECTION 10. EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a Final Development Plan for Mobile Home Park shall be for a period not to exceed two (2) years to allow for preparation and recording of the required Subdivision Plan and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved Final Development Plan shall be void. An extension of the time limit or modification of the approved Final Development Plan may be approved if the Commission finds that such extension or modification is not in conflict with the public interest.

CHAPTER 7 SIGNS

SECTION 1. INTENT

The purpose of this Chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distractions and obstruction that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right-of-way; provide more open space; curb the deterioration of the natural environment and enhance community development.

SECTION 2. PUBLIC SIGNS EXCLUDED

For the purpose of this Ordinance "signs" does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance, or governmental regulation.

SECTION 3. GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

Commercial and Industrial Districts:

- A. Any illuminated signs or lighting device shall emit a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this Section do not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services;

- C. All writing, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
- D. No projecting sign shall be erected or maintained from the front or face of a building a distance, of more than three (3) feet, including those projecting from the face of any theater, hotel or motel marquee. In general, projecting signs are not encouraged;
- E. No sign shall be placed on the roof of any building, except those signed whose supporting structure is screened so the sign appears to be a continuation of the face of the building;
- F. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface;
- G. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape.
- H. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign;
- I. Should any sign be or become unsafe or be a danger of falling the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Commission, proceed at once to put such sign in a safe and secure condition or remove the sign;
- J. No sign shall be placed in any public right-of-way except publicly owned signs, i.e., traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property; and
- K. Signs along interstate and primary highways shall conform to the Idaho State Transportation Department regulations.

SECTION 4. RESIDENTIAL, MOBILE HOME PARK, AND MULTI-FAMILY

- A. Signs advertising the sale, lease or rental of the premises upon which the sign is located shall not exceed twelve (12) square feet in area, except in all residential Districts where the area of the sign shall not be more than six (6) square feet;
- B. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area;
- C. On premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided that the area of such sign does not exceed twelve (12) square feet in area; and
- D. Political signs, provided that, such signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees or other persons responsible for the posting on public property of campaign material shall remove such material within one (1) week following the election day.
- E. No sign shall obstruct safe vision. All signs shall meet the sight triangle requirements in Chapter 4.

SECTION 5. MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

SECTION 6. PERMITTED SIGNS

The following signs, may be permitted upon the issuance of a Zoning Certificate by the Commissioner:

- A. Signs advertising the sale, lease or rental of the premises upon which the sign is located shall not exceed twelve (12) square feet in area, except in all

residential districts where the area of the sign shall not be more than six (6) square feet;

- B. Professional name plates not to exceed four (4) square feet in area;
- C. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area;
- D. Temporary signs not exceeding fifty (50) square feet in area announcing special public or institutional events, the erection of a building, the architect, the builders or contractors may be erected for a period of sixty (60) days plus the construction period;
- E. On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided that the area of such sign does not exceed twelve (12) square feet; and
- F. Political signs, provided that, such signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any sign be posted on a utility pole. No political sign shall obstruct safe vision. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees or other persons responsible for the posting on public property of campaign material shall remove such material within one (1) week following election day. All signs shall meet the sight triangle requirements in Chapter 4.

SECTION 7. SPECIAL PERMITTED SIGNS

The following signs are allowed upon the issuance of a Special Use Permit by the Commission:

- A. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution;
- B. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square

feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located;

- C. In a commercial or manufacturing district, each business shall be permitted one (1) flat or wall on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each lined foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet;
- D. In a commercial or manufacturing district, two (2) off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1,200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view; and
- E. Free-standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way line may be erected to serve a group of business establishments. There shall be only one (1) free-standing sign for each building, regardless of the number of businesses conducted in said building.

SECTION 8. SIGN SETBACK REQUIREMENTS

Off-premises signs shall not be erected in front of the required setback line for the appropriate zoning district, except for the following:

- A. For every square foot by which any on-premises sign

exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet;

- B. Real Estate signs and bulletin boards for a church, school or any other public, religious or educational institution within residential zoning districts may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections; and
- C. On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within ten (10) feet of a side or rear lot line.

SECTION 9. VIOLATIONS

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this Ordinance, the Commission shall notify in writing the owner or lessee thereof to alter such sign to comply with this Ordinance. Political signs posted in violation of this Ordinance are subject to removal by the Administrator five (5) days after written notice of violation.

CHAPTER 8 NON CONFORMING USES

SECTION 1. INTENT

It is the intent of this Ordinance to permit non-conforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 2. INCOMPATIBILITY OF NON-CONFORMING USES

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

SECTION 3. AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this ordinance shall be deemed to require change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of amendment of this Ordinance and upon which actual building construction has been carried on diligently.

SECTION 4. SINGLE NON-CONFORMING LOT OF RECORD

In any district in which single-family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any lot of record (see definition of lot of record) at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Thus provisions shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other

than those applying to area or width or both, of the lot shall conform to the regulations for the district in which such lot is located.

SECTION 5. NON-CONFORMING LOTS OF RECORD IN COMBINATION

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

SECTION 6. NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- B. No non-conforming use shall be extended to occupy any additional land area;
- C. And if no structural alterations are made any non-conforming use of a structure or structure and land may, upon issuance of a Special Use Permit by the Commission, be changed to another non-conforming use provided that the Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accord with

other provisions of this Ordinance;

- D. Any structure, or structure and land in combination, or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- E. When a non-conforming use of a structure and land in combination, discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 7. REPAIRS AND MAINTENANCE

On any non-conforming structure, or portion of a structure containing a non-conforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that, the cubic content existing when it became non-conforming shall not be increased. Nothing, in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

SECTION 8. USES UNDER SPECIAL USE PROVISIONS NOT NON-CONFORMING USES

Any use which is permitted as a special use in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall, without further action, be considered a conforming use.

CHAPTER 9 APPEAL, VARIANCE AND ACTION BY AFFECTED PERSONS

SECTION 1. GENERAL

The Commissioner shall consider administrative appeals where it is alleged that an error has been made by the Commission variances from the terms of this Ordinance and requests for hearings from affected persons.

SECTION 2. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action taken unless the Commission certifies to the Council after the notice of appeal is filed that by reason of facts stated in the application a stay would, in their opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Council or by a court based upon an application, with notice to the Commission showing due cause.

SECTION 3. VARIANCE

The Commission may authorize in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No permitted or non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for issuance for a variance. Variances shall not be granted on the grounds of the convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

SECTION 4. APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this Ordinance shall not be granted by the Commission unless and until a written application for a variance is submitted to the Commission containing:

- A. Name, address and phone number of applicant(s);
- D. Legal description of property;

C. Description of nature of variance requested; and a narrative statement demonstrating that the request variance conforms to the following standards;

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same district;
2. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
3. That special conditions and circumstances do not result from the actions of the applicant; and
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

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.

SECTION 5. 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 Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. 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 Ordinance.

SECTION 6. PUBLIC HEARING

Upon receipt of the application for an appeal or a variance, the Commission shall hold a public hearing, publish notice in

a newspaper and give notice to all parties as required for Special Use Permits

SECTION 7. ACTION BY THE COMMISSION

Within thirty (30) days after the public hearing the Commission shall either approve, conditionally approve, or disapprove the request for appeal or variance.

Upon granting or denying an application the Commission shall specify;

- A. The Ordinance 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 a permit.

A applicant or any affected person who appeared in person or in writing before the Commission may appeal the decision, provided the appeal is submitted to the Council within fifteen (15) days from the Commission's action.

SECTION 8. 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.

SECTION 9. APPEAL TO COUNCIL

Upon receipt of an appeal from the action of the Commission, the Council shall set a hearing date 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.

The Council shall only overrule the Commission by a favorable vote of one-half (1/2) plus one (1) of the full Council.

SECTION 10. REQUEST FOR HEARING BY AFFECTED PERSONS

An affected person shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the development.

Any affected person may at any time prior to final action on Rezone, Special Use, or Variance Permit, if no hearing has been held on the application, petition the Commission or Council in writing to hold a hearing as required in Chapter 11, Section 5 through 8 provided; however, that if twenty (20) affected persons petition for a hearing, the hearing shall be held.

After a hearing, the Commission or Council may:

- A. Grant or deny a permit; or
- B. Delay such a decision for a definite period of time or further study of hearing.

An affected person aggrieved by a decision may within sixty (60) days after all remedies have been exhausted under local Ordinances seek judicial review under the procedures provided by Sections 67-5215 (b) through (g) and 67-5216, Idaho Code.

CHAPTER 10 ENFORCEMENT

SECTION 1. ZONING PERMITS

No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore issued by the Council. Zoning Permits shall be issued only in conformity with the provisions of this Ordinance.

SECTION 2. CONTENTS OF APPLICATION

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the Permit shall expire and may be revoked if work has not begun or is substantially completed within one hundred eighty (180) days. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Legal description of property;
- C. Existing use;
- D. Proposed use;
- E. Zoning district;
- F. Plan, down to scale, showing the actual dimensions and the shape of the lot to be built on; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
- G. Building heights;
- H. Number of off-street parking spaces or loading berths;
- I. Number of dwelling units;
- J. Proposed sewer and water facilities;
- K. Such other matters as may be necessary to determine

conformance with, and provide for, the enforcement of this Ordinance.

SECTION 3. APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Commission shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one hundred eighty (180) days. One (1) copy of the plans shall be returned to the applicant by the Commission after the Commission shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Commission. The Council shall issue a placard, to be posted in conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

SECTION 4. EXPIRATION OF ZONING PERMIT

If the work described in any Zoning Permit has not begun within one hundred eighty (180) days from the date of issuance thereof, said Permit shall expire; it shall be revoked by the Commission and written notice thereof shall be given to the persons affected.

SECTION 5. RECORD OF ZONING PERMITS

The Commission shall maintain a record of all Zoning Permits and copies shall be furnished upon request to any person.

SECTION 6. FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a Zoning Permit shall be a violation of this Ordinance.

SECTION 7. CONSTRUCTION AND USES TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning Permits issued on the basis of plans and applications approved by the Commission authorize only the use, and arrangement, set forth in such approved plans and application or amendments thereto, and no other use, arrangement or construction contrary to that authorized shall be deemed a violation of this Ordinance.

SECTION 8. COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Chairman of the Commission. The Chairman shall properly record such complaint, immediately investigate and take action thereon as provided by this Ordinance.

SECTION 9. PENALTIES

The City Attorney, shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this Ordinance. Penalties for failure to comply with or violations of the provisions of this Ordinance shall be as follows:

"Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Idaho Code."

SECTION 10. SCHEDULE OF FEES, CHARGES AND EXPENSES

The Council shall establish a schedule of fees, charges and expenses and a collection procedure for Zoning Permits, amendments, appeals, variances, Special Use Permits, plan approvals and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the City Hall, and may be altered or amended only by the Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

CHAPTER 11 AMENDMENT

SECTION 1. GENERAL

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.

SECTION 2. INITIATION OF ZONING AMENDMENTS

Amendments to this Ordinance may be initiated in one (1) 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 existing interest in property within the area proposed to be changed or affected by said amendment.

SECTION 3. CONTENTS OF APPLICATION

Application for amendments to the Official Initial Zoning Map adopted as part of this Ordinance 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 Commission showing property lines, thoroughfares, existing and

proposed zoning and such other items as the Commission may require;

- H. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered;
- I. A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities and compatibility with the surrounding area; and
- J. A fee as established by Council.

SECTION 4. TRANSMITTAL TO COMMISSION

Zoning districts shall be amended in the following manner:

- A. Requests for an amendment to the Zoning Ordinance 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 the Commission, the Commission may recommend and the Council may adopt or reject the Ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with the Commission, the request shall be submitted to the Council which shall recommend and the Council may adopt or reject an amendment to the Initial Zoning Ordinance under the notice and hearing procedures provided in Section 67-6509, Idaho Code.

SECTION 5. COMMISSION 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. Initial Zoning Ordinance Text Amendment - The Commission, prior to recommending a Zoning Ordinance Text Amendment to the Council shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the

amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Following the Commissions 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. Initial Zoning Ordinance Map Amendment - The Commission, prior to recommending a Interim Zoning Ordinance Map Amendment to the Council shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred (300) feet of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification three (3) notices in the official newspaper or paper of general circulation is sufficient, provided that, the third notice appears ten (10) days prior to the public hearing. Following the Commissions 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.

SECTION 6. RECOMMENDATION BY COMMISSION

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 a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall insure that any favorable recommendations for amendments are in accordance with established goals and objectives.

SECTION 7. ACTION BY COUNCIL

The Council, prior to adopting, revising or rejecting the amendment to the Initial Zoning Ordinance as recommended by the Commission shall conduct at least one (1) public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if the Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

The Council shall accept the recommendations of the Commissions report unless rejected by a vote of one-half (1/2) plus one (1) of the members.

- A. The Ordinances 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 a permit.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Ordinance upon the preparation and passage of an Ordinance.

SECTION 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 (1) year from the date of such final action; unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.

SECTION 9. ZONING UPON ANNEXATION

Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Planning and Zoning Commission, on the Comprehensive Plan and Zoning Ordinance changes for the unincorporated area. The Commission and the City Council shall follow the notice and hearing procedures provided in Section 65-6509, Idaho Code. Concurrently or immediately following the adoption of an Ordinance of Annexation, the Council shall amend the Zoning

Ordinance.

City of Roberts
Special Meeting
Canvassing Votes
November 9, 2009

The Roberts City Council met in a special session at the regular place of meeting, after having been notified of said meeting of said council.

Present:

Gary Mitchell.....Mayor
Roxann Lamb.....Council
Pat O'Malley-George.....Council
Margaret Jackson.....Council
Gale Scrivner.....Clerk
Rick Lamb.....Maintenance
Also Present: BJ Berlin and Dick George

Mayor opened the special meeting to canvass the votes from the election held on November 3, 2009. He explained to council the reason for having a special meeting to canvass the votes is because they need to be done 6 days after election.

Total number ballots at polls were 200, no absentee ballots, number of ballots cast 68.

Pat O'Malley-George	Council	38 votes
Ben Poston	Council	37 votes
Robert Dennis Berlin	Council	44 votes

Mayor Mitchell entertained a motion to accept election results with Pat O'Malley-George and Roberts Dennis Berlin as newly elected to council.

Roxann made the motion to accept the election results for November 3rd, seconded by Margaret, all ayes.

Clerk ask for a verbal vote-Roxann Lamb aye, Pat O'Malley-George aye, and Margaret Jackson aye.

Special Council Meeting November 9, 2009

Mayor Mitchell opened the special meeting for council and excused John from the meeting.

Mayor Mitchell welcomed everyone in attendance and asked council if they had a chance to review the minutes for October 13th meeting, and asked if they had any questions or additions. With no changes or additions Mayor Mitchell entertained a motion to approve the minutes for October 13th.

Margaret made the motion to approve minutes for October 13th meeting, seconded by Pat, all ayes.

Sheriff's Report: Report from September 5th through October 2nd.

119 Hrs. 8 Complaints 0 Arrest 0 DUI 2 Citations

Mayor Mitchell said that because of a grant that was received from the state several officers worked over time on traffic violations.

141 Hrs. 17 Complaints 18 Arrest 0Dui 56 Citations

Mayor Mitchell turned the time over to Dick George from Planning & Zoning for the next four items on the agenda.

Mr. George stated that he was present at this meeting to explain the changes and additions to The Comprehensive Plan, Planning and Zoning Manual, Subdivision Ordinance and Zoning Map that were proposed at an open Public Hearing on 10/24/2009. The Commission unanimously agreed to forward the results to the Council for approval.

Comprehensive Plan Update: Mr. George explained that updates to The Comprehensive Plan should be done at least every five years to reflect the contemporary attitude of the citizens as to the direction the City should be headed for development. The current Plan is the Initial Comprehensive Plan drafted and approved in 1995. Because a new census is going to be taken in 2010, the Commission decided to make the necessary changes, Personal Property Rights section etc, and hold another hearing in 2010 to pole the citizens for their input. At that time the new demographics will be added as well.

Mayor Mitchell entertained a motion to amend the Comprehensive Plan.

Roxann made the motion to amend the Comprehensive Plan, seconded by Margaret, all ayes.

Sub-Division Ordinance Update: Mr. George stated that the present ordinance is the Initial Ordinance that was drafted and approved in 1995. Much of it was taken from the Jefferson County Ordinance and that until the Ordinance was put to use for the first time with the EICAP development, we didn't realize the number of sections in it that didn't apply to the needs of the City. The main changes proposed include removing the fees and fines amounts from the ordinance so they can be determined by Council resolutions, Public Hearings strictly according to ID Code 67-6509, and remove the Rural Dwelling density restrictions.

Mayor Mitchell entertained a motion to approve the amended Sub-Division Ordinance.

Margaret made the motion to approve the amended Sub-Division Ordinance, seconded by Roxann, all ayes.

Planning & Zoning Manual: Mr. George explained that the P&Z Manual was also the Initial Planning and Zoning Manual drafted and approved in 1995. With the exception of the addition of a description of an R/V Park and the rules for its operation added to Chapter 4, the changes and other additions were minor.

Mayor Mitchell ask if anyone had any more questions on the Planning and Zoning Manual, with no questions Mayor Mitchell entertained a motion to approve the amended Manual.

Roxann made the motion to approve the amended planning and zoning manual, seconded by Margaret, all ayes.

Planning & Zoning Map: Mr. George said that the changes and additions proposed for the Zoning Map have already been approved through the Hearing and Council approval process. It was still necessary to present the amended Zoning Map for official approval of the Map by having the Mayor, Council and City Clerk sign it.

In conclusion, all the changes and additions to the above documents are listed in the Amendment Pages of each manual. A copy of each is available for public inspection at the City Hall.

Mayor Mitchell entertained a motion to approve the Planning and Zoning Map.

Roxann made the motion to approve the Planning and Zoning Map, seconded by Margaret, all ayes.

Mayor Mitchell told the council that Jensen & Poulsen would be here November 17th through the 20th to do the city audit.

City Official's Fall Academy will be held on November 16th at the Shilo in Idaho Falls. If you would like to go please let the clerk know.

An inspector from EPA came to inform the City that the DMR's that we have been doing since 2007 are not being completed correctly. We have been using a program that was set up by Keller's and EPA was not satisfied with what we are doing. We receive the information from the lab in Idaho Falls that we are contracted with. We are working on something different and hope this will satisfy EPA.

We received a check from Robin Dunn on the Butikofer law suit in the amount of \$4400.00. This will pay off the bill and some left over for interest.

Mayor Mitchell asked council if they had a chance to look over the bills and asked if they had any questions on them. With no questions, Mayor Mitchell entertained a motion to pay the bills.

Pat made the motion to pay the bills, seconded by Margaret, all ayes.

With no other business Mayor Mitchell entertained a motion to adjourn.

Pat made the motion to adjourn, seconded by Roxann, all ayes.

Ray L. Mitchell
Mayor Mitchell

Bob L. Swann
Clerk