

TITLE 9
ZONING REGULATIONS

Subject	Chapter
Title, Interpretation And Enactment	1
Definitions	2
Administration	3
Establishment And Purpose Of Districts	4
Provisions For Official Zoning Map	5
District Regulations	6
Floodplain Overlay District (FP) Regulations	7
Bunker Hill Superfund Site Overlay District (BD) Regulations	7A
Performance Standards	8
Conditional Use Permits	9
Planned Unit Developments (PUD)	10
Nonconforming Uses	11
Off Street Parking And Loading	12
Signs	13
Manufactured Homes	14
Variance And Appeal Procedures	15
Enforcement	16
Amendment	17

57

ر

ر

ر

ر

ر

ر

ر

ر

CHAPTER 1

TITLE, INTERPRETATION AND ENACTMENT

SECTION:

- 9-1-1: Title
- 9-1-2: Authority
- 9-1-3: Minimum Requirements
- 9-1-4: Combining Of Permits
- 9-1-5: Separability Clause
- 9-1-6: Ex Post Facto Application
- 9-1-7: Variances, Conditional Uses, Nonconforming Uses And Amendments

9-1-1: **TITLE:** This title shall be known and may be cited to as the *ZONING ORDINANCE OF SHOSHONE COUNTY, IDAHO.* (Ord. 15, 7-11-1977)

9-1-2: **AUTHORITY:** This title is adopted pursuant to authority granted by title 67, chapter 65 of the Idaho Code and article XII, section 2 of the Idaho Constitution, as amended or subsequently codified. (Ord. 15, 7-11-1977)

9-1-3: **MINIMUM REQUIREMENTS:** In their interpretation and application, the provisions of this title shall be held to the minimum requirements, adopted for promotion of the public health, safety and the general welfare. Whenever the requirements of this title conflict with requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern. (Ord. 15, 7-11-1977)

9-1-4: **COMBINING OF PERMITS:** The commission is hereby required to coordinate with other departments and agencies concerning all permits which may be required in this title and previously or

subsequently adopted county ordinances. A one-step permit application and processing procedure shall be developed with the respective departments and agencies for the purpose of reducing errors, misunderstanding, confusion and unnecessary delay for those involved. (Ord. 15, 7-11-1977)

9-1-5: **SEPARABILITY CLAUSE:** Should any section or provision of this title be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the title as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 15, 7-11-1977)

9-1-6: **EX POST FACTO APPLICATION:** This title is not to be applied in an ex post facto manner and any use in any zone which is nonconforming at the time of the passage hereof to the area that is not zoned will be allowed to continue and any lot which does not meet the minimum lot requirements of any zone at the time of the passage hereof will be allowed to be used for all purposes for which the area is now zoned if it meets the other requirements of the zone. (Ord. 15, 7-11-1977)

9-1-7: **VARIANCES, CONDITIONAL USES, NONCONFORMING USES AND AMENDMENTS:** The commission notes that the terms variances, conditional uses, nonconforming uses, and amendments are terms which have separate and distinct legal meanings and it is the intention of the commission that their legal meaning be applied whenever and wherever the aforesaid terms are used in this title. (Ord. 15, 7-11-1977)

CHAPTER 2
DEFINITIONS

SECTION:

- 9-2-1: Interpretation
9-2-2: Meaning Of Terms Or Words

9-2-1: **INTERPRETATION:** For the purpose of this title, certain terms or words used hereby 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".
- E. The word "lot" includes the words "plot", "parcel", and "tract". (Ord. 15, 7-11-1977)

9-2-2: **MEANING OF TERMS OR WORDS:** As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

**ACCESSORY
STRUCTURE:** A structure or building detached from but located on the same lot or parcel as the principal use, the use of which is incidental and subordinate to that of the principal structure or use. This includes any permanent construction,

including, but not limited to, lean to, gazebo and patio cover.

- ADMINISTRATOR:** An official having knowledge in the principles and practices of zoning who is appointed by the board to administer this title.
- AGRICULTURE:** The tilling of the soil, raising of viticulture, small livestock farming, poultry, dairying and/or animal husbandry including all uses customarily incidental thereto.
- AIRPORT:** Any runway, land area or other facility designed or used whether publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxi area, aircraft storage and tie down areas, hangers and other necessary buildings.
- AMENDMENT:** See chapter 17 of this title.
- AUTOMOTIVE,
MOBILE HOME,
TRAVEL TRAILER AND
FARM IMPLEMENT
SALES AND SERVICE:** The sale, rental or leasing of new and/or used mobile homes, travel trailers, farm implements, or parts thereof, which may include service, repair, rebuilding, reconditioning, restoration, body work, and painting of such units.
- BASEMENT:** A dwelling unit all or partly underground, but having at least one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground.
- BED AND
BREAKFAST:** A residential use consisting of one occupied dwelling that has rooms that may be rented to an individual on a daily or weekly basis with some services provided by an on premises owner/manager. Off street parking may be required on the basis of one space per bedroom. A bed and breakfast may be operated in all residential zones with a conditional use permit. The procedures and requirements applicable for conditional use permits, chapter 9 of this title, shall be followed in any application of operating a bed and breakfast. The commission may, among other conditions, limit the number of occupants per home and/or bedrooms. The

granting of an application shall not constitute a precedent to the granting of other applications in the same or similar areas.

- BOARD:** The board of county commissioners of Shoshone County.
- 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, use of which is incidental and accessory to that of the main building or use. This includes any permanent construction, including, but not limited to, lean to, gazebo and patio cover.
- BUILDING, HEIGHT:** The vertical distance measured for the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.
- BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which such building is situated.
- BUNKER HILL SUPERFUND SITE OVERLAY DISTRICT (BD):** Includes parts of the west corridor of the county as those areas are defined in the comprehensive plan and is synonymous with the area known as the federally created Bunker Hill superfund site.
- 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 and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

- 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 or premises owned or operated by an organized association of persons for a social, literary, political, educational, or recreational purposes primarily for the exclusive organization, group, or association, a principal activity of which is to render a service usually and ordinarily carried on in a business.
- COMMERCIAL COACH:** A manufactured building equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and originally designed to be used either as a dwelling unit or other use without a permanent foundation. A commercial coach is limited to use other than a single-family dwelling.
- COMMERCIAL ENTERTAINMENT FACILITIES:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.
- COMMERCIAL RECREATIONAL:** Activities which exchange recreation opportunity or facilitate recreation activities for a fee or gratuity. Activities typically include, but are not limited to, food services, equipment rental, livery, personal services, ski lifts, accommodations and sales of incidental supplies, campgrounds and RV parks.
- COMMISSION:** The planning and zoning commission appointed by the Shoshone County board of commissioners.

**COMPREHENSIVE
PLAN:**

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

CONDITIONAL USE:

See chapter 9 of this title.



DENSITY:	A unit of measurement. The number of gross dwelling units per acre of land.
Gross Density:	The gross number of dwelling units per acre of total land to be developed, including public right of way.
Net Density:	The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right of way.
DISTRICT:	Synonymous with "zone".
DWELLING, MULTI-FAMILY:	A dwelling consisting of three (3) or more dwelling units including townhouses and condominiums with varying arrangements of entrances and parting walls. Multi-family housing may include public housing and company owned and/or sponsored housing development.
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.
DWELLING, SINGLE-FAMILY:	A dwelling consisting of a single dwelling unit only, separated from other building units by open space.
DWELLING, TWO-FAMILY:	A dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other.
DWELLING UNIT:	Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities all used by only one family and its household employees.

EASEMENT:	Authorization by a property owner for the use by another and for a specified purpose of any designated part of their property.
ENVIRONMENTAL HEALTH CODE (EHC):	The health code, as amended from time to time, administered by Panhandle Health District I in connection with the institutional control program for the Bunker Hill Superfund Site.
EXTRACTIVE MANUFACTURING:	Any mining, processing, storing, separating, cleaning and marketing of any mineral natural resources; excluding manufacturing which produces gravel, sand, clay, topsoil, general fill materials and/or common building stone.
FAMILY:	One or more persons occupying a single-dwelling unit, providing that all members are related by blood, adoption or marriage.
FLOATING ZONE (F):	A zone which has no set boundaries within the county, but does have certain requirements established by this title.
FLOOD PLAIN:	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:
Channel:	A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
Flood:	The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
Flood Of 100-Year Frequency:	A flood magnitude, which has a one percent (1%) chance of being equaled or exceeded in any given year.
Floodway:	A channel or 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.
Floodway Fringe:	That part of the flood plain which is beyond the floodway. Such areas will include those portions of the flood plain which would be inundated by a flood of 100-year frequency.
HEALTH AUTHORITY:	The local district health department or the State Department of Health and Welfare that has jurisdictional authority.
HOLDING ZONE (H):	Zone designated to serve as a reservoir pending future designation of land use.
HOME OCCUPATION:	An occupation conducted entirely within a dwelling unit. (See the required performance standards.)
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.
INSTITUTION:	Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.
INSTITUTIONAL CONTROL PROGRAM (ICP):	The various actions and programs undertaken to decrease human exposure to lead in the Bunker Hill superfund site.
JUNK:	Any material (metal, glass, paper or other waste) that has ceased to serve the initial purpose for which it was designed. The sale of portions of the initial object to be used again in some form.
JUNK BUILDINGS, JUNK SHOPS, JUNKYARDS:	Any land, property, structure, building or combination of the same, on which junk is stored or processed.

- KENNEL:** Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, roomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.
- LOADING SPACE, OFF-STREET:** Space logically and conveniently located for both 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:** 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. Single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record or portions of lots 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 to the 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 on corner lots and through lots, all sides of a lot adjacent to street shall be considered frontage, and yard shall be provided as indicated under "yards" in this section.

**LOT, MINIMUM
AREA OF:**

The area of a lot is 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 metes and bounds, the description of which has been so recorded.

LOT TYPES:

Terminology used in this title with reference to corner lots, interior lots, and through lots is as follows:

Corner Lot:

A lot located at the intersection of two (2) or more streets.

Interior Lot:

A lot with only one frontage on a street.

**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.

Through Lot:

A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

**MANUFACTURED
HOME:**

A single-family dwelling structure built since July 1, 1976, that bears the department of housing and urban development certification that it has been constructed in conformance with the mobile home construction and safety standards in effect at time of its construction, is constructed of materials generally acceptable for site built housing and is to be used as a permanent residential dwelling. Manufactured home owners or purchasers shall own or be purchasing the land upon which their home is to be placed. Such owner or purchaser shall record with the county recorder, a nonrevocable option declaring the manufactured home as real property. Development standards for a manufactured home on an individual lot are as follows:

A. Shall be at least twenty feet (20') wide, with a minimum floor area of one thousand (1,000) square feet.

B. The roof covering material must be compatible with standard residential construction. The roof slope shall be a minimum of eighteen degrees (18°) (3:12) and with a minimum of six inch (6") eaves.

C. The exterior siding consists of wood, hardboard, vinyl or other nonreflective material comparable in composition, appearance and durability to the exterior siding material that is used in standard residential construction.

D. Shall have a foundation fascia from the floor to the finish grade of the site, enclosed by a continuous unpierced, except to meet access and ventilation requirement, cover of masonry or other exterior material covered in subsection C of this definition.

E. Shall be permanently affixed in accordance with the manufacturer's specifications, with the tongue, axles, transportation lights and removable towing apparatus removed, and set upon a foundation base that meets the requirement for permanent foundations as defined in section 44-2205 of the Idaho Code.

**MANUFACTURING,
HEAVY:**

Manufacturing, processing, including wood processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generates some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond a 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.

MOBILE HOME:

A structure which is mass produced in a factory; is designed and constructed for transportation to a site for installation and use when connected to required utilities; is built on a chassis; and is designed for long-term residential use by a family, containing kitchen, bath and sleeping facilities. For purposes of these regulations, mobile/manufactured homes shall be divided into the following classes:

A. Class A: A structure built since July 1, 1976, certified as meeting the mobile home and safety standards promulgated by the Department of Housing and Urban Development; or, the HUD Manufactured Home Construction and Safety Standards as amended June 29, 1982, and meeting the definition of a manufactured home as established by this title. Class A mobile homes are manufactured homes on permanent foundations.

B. Class B: Mobile/manufactured homes certified as meeting Department of Housing and Urban Development Mobile Home Construction and Safety Standards promulgated in 1976 but not necessarily meeting the definition of a class A mobile home. Class B mobile homes may or may not be placed on permanent foundations.

C. Class C: Mobile homes constructed prior to 1976 which are found upon inspection to be in good condition and suitable for residential occupancy.

D. Class D: Mobile homes found upon inspection to be in poor condition and unsafe

	and/or unfit for residential occupancy due to conditions or defects which are deemed to endanger the life, health, property or safety of the occupants or of the public. Applicable conditions and/or defects are identified in chapter 3, section 302 of the Uniform Code for the Abatement of Dangerous Buildings.
NATURAL RESOURCE ZONE (NR):	A zone designed to permit multiple uses in the rural areas of the county.
NONCONFORMING USE:	A building, structure or use of land existing at the time of enactment hereof and which does not conform to the regulations of the district in which it is situated.
NURSERY FOR CHILDREN:	A place, home or facility providing care for more than five (5) children of preschool age.
NURSING HOME, HOME OF THE AGED:	A home or facility for the care or treatment of more than five (5) pensioners or elderly people.
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.
OPEN SPACE:	An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, theater areas, swimming pools, and tennis courts, any other recreational facilities that the commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.
PANHANDLE HEALTH DISTRICT I:	The local health agency at Kellogg charged with the responsibility of overseeing compliance with and enforcement of the environmental health code and the institutional control program developed for the Bunker Hill superfund site pursuant to its duly and properly enacted rules and regulations.

**PARKING SPACE,
OFF-STREET:**

An off-street parking space shall consist of 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 should be located 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 county in the amount of the estimated construction costs guaranteeing the completion of physical improvements according to plans and specifications 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 preplanned environment with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

**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 stations, sewage disposal or pumping plants, and other similar public service structures by a public utility or by a railroad whether publicly or privately owned or by municipal or other governmental agency, and including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES:	Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.
PUBLIC WORKS DIRECTOR:	An official appointed by and under the direction of the board of county commissioners, whose duties and responsibilities are established by law and the county commissioners, which includes all reference throughout this title to the county engineer.
RESEARCH ACTIVITIES:	Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.
ROADSIDE STAND:	A temporary structure designed or used for the display or sale of agricultural 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, landscape 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 for each twenty four (24) lineal inches of benches, pews or space for loose chairs.
SEMI-PUBLIC USE:	Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

SERVICE STATION:

Building and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and 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 distributor 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, floormats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and alike.

D. Radiator cleaning and flushing.

E. Washing, polishing and sale of washing and polishing materials.

F. Greasing and lubrication.

G. Providing and repairing fuel pumps, oil pumps, and lines.

H. Minor servicing and repair of carburetors.

I. Adjusting and repairing of brakes.

J. Minor motor adjustment, not involving removal of the head or crankcase or racing the motor.

K. Sales of cold drinks, packaged food, tobacco and similar convenience items for service station customers, as accessory and incidental to principal operations.

L. Providing road maps and other informational material to customers; provisions for restroom facilities.

M. 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.

SETBACK LINE:

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

SIDEWALK:

That portion of the road right of way outside the roadway which is approved for 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.

Sign, Illuminated:

Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorus light.

Sign, Lighting Device:

Any light, string of lights, or group of lights located or arranged so as to cast illumination on sign.

Sign, Off Premises:

Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where said sign is located.

Sign, On Premises:

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

Sign, Projecting:	Any sign which projects from the exterior of the building.
SPECIAL USE:	A special use permitted within a district, other than a principally permitted use, requiring a conditional use permit and approval of the commission. Conditional uses permitted in each district are listed in chapter 6 of this title.
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 property, a dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, land, place and other such terms.
Alley:	Minor street providing secondary access to the back or side of a property otherwise abutting a street.
Arterial:	A street designated on the comprehensive plan for the purpose of carrying fast and/or heavy traffic.
Collector:	A street designated on the comprehensive plan for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
Minor:	A street which has the primary purpose of providing access to abutting properties.
Private:	A street that is not accepted for public use or maintenance. Provides for 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, 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.
- TOURIST HOME:** A residential use consisting of one residence that may be rented to an individual by the day, week or month, without provided services. Off-street automobile parking of one space per bedroom may be required. A tourist home may be operated in all residential zones with a conditional use permit except Single Family Residential (RO) Zones. The procedures and requirements applicable for conditional use permits, chapter 9 of this title, shall be followed in any application to operate a tourist home. The commission may, among other conditions, require: a) the designation of a resident manager to supervise the operations of the tourist home; and b) limit the number of occupants per home and/or bedrooms. The granting of an application shall not constitute a precedent to the granting of other applications in the same or similar areas.
- 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 this title 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 or 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 upon the further showing 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 overnight accommodations on the premises for their treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP:

A drawing which sets forth by dimensions or other means the relationship of the proposed development to other nearby developments 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 feet (4') or more in width, for pedestrian use only, whether or not along the side of a road.

WOOD PROCESSING:

The sawing of logs, post and pole processing, hardwood and cedar products, and such operations associated with the industry. Not to include pulp mills, chipping plants and creosote plants.

WRECKING YARD:

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

YARD:

An open space on a lot which is required by this title to be unoccupied and unobstructed from the ground upward except as otherwise provided in this title:

Yard, Front:

A yard extending between side lot lines across the front of a lot from the front lot line to the front of the principal building.

Yard, Interior Side:

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

- Yard, Rear:** A yard extending between side lot lines across the rear of a lot from the rear lot line to the rear of principal building.
- 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.
- ZONE:** Synonymous with "district".
- ZONING APPROVAL:** Approval by the administrator or that person designated assistant, that the use is in compliance with the zoning map and this title. (Ord. 15, 7-11-1977; amd. Ord. 33, 5-4-1983; Ord. 57, 5-10-1990; Ord. 67, 11-22-1990; Ord. 72, 4-18-1994; Ord. 74, 5-16-1994; Ord. 78, 3-13-1995; Ord. 112, 6-22-1998; Ord. 114, 11-17-1998; 2001 Code; Ord. 121, 9-24-2002)

CHAPTER 3
ADMINISTRATION

SECTION:

- 9-3-1: Administrator And Commission Created
- 9-3-2: Administrator
- 9-3-3: Duties Of Commission
- 9-3-4: Conflict Of Interest

9-3-1: **ADMINISTRATOR AND COMMISSION CREATED:** For the purpose of carrying out the provisions of this title, an administrator and commission¹ are hereby created. (Ord. 15, 7-11-1977)

9-3-2: **ADMINISTRATOR:**

- A. Appointment: The board shall appoint an administrator to administer this title.
- B. Assistance: The administrator may be provided with the assistance of such other persons as the board may direct.
- C. Duties: For the purpose of this title, the administrator shall have the following duties:
 - 1. Advise interested persons of the provisions of this title.
 - 2. Notify the news media regarding matters of public interest.
 - 3. Aid applicants in the preparation and expedition of required applications.
 - 4. Issue zoning approval.

1. See title 2, chapter 1 of this code.

5. Investigate all violations of this title and notify, in writing, the person responsible for such violations, ordering the actions necessary to correct such violations.

6. Assist the commission and board in carrying out the provisions of this title. (Ord. 15, 7-11-1977)

9-3-3: **DUTIES OF COMMISSION:** For the purposes of this title, the commission shall have the following duties:

- A. Initiate proposed amendments to this title and conduct a review of this title every two (2) years.
- B. Review all proposed amendments to this title and make recommendations to the board.
- C. Review all planned unit developments and make recommendations to the board. (Ord. 15, 7-11-1977)
- D. Grant special use permits as specified in chapter 6 of this title and under the conditions as herein specified, shall require such additional safeguards as will uphold the intent of this title. (Ord. 15, 7-11-1977; amd. 2001 Code)
- E. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the administrator.
- F. Authorize such variances from the terms of this Title as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this title will result in unnecessary hardship, so that the spirit of this title shall be observed and substantial justice done. (Ord. 15, 7-11-1977)

9-3-4: **CONFLICT OF INTEREST¹:** The board creating the commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of the board or commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him by

1. See section 2-1-13 of this code for rules for conflict of interest in hearings.

affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor. (Ord. 15, 7-11-1977)



CHAPTER 4

ESTABLISHMENT AND PURPOSE OF DISTRICTS

SECTION:

- 9-4- 1: Intent
- 9-4- 2: Natural Resource District (NR)
- 9-4- 3: Holding District (H)
- 9-4- 4: Suburban Or Rural Residential (SR)
- 9-4- 5: Single Family Residential District (R-0)
- 9-4- 6: Residential District (R-1)
- 9-4- 7: Multi-Family Residential District (R-2)
- 9-4- 8: Neighborhood Business District (C-1)
- 9-4- 9: Service Business District (C-2)
- 9-4-10: General Commercial District (GC)
- 9-4-11: Rural Commercial District (RC)
- 9-4-12: Light Manufacturing District (M-1)
- 9-4-13: Heavy Manufacturing District (M-2)
- 9-4-14: Extractive Manufacturing District (M-3)
- 9-4-15: Landing Field District (LF)
- 9-4-16: Flood Plain Overlay District (FP)
- 9-4-17: Bunker Hill Superfund Site Overlay District (BD)

9-4-1: **INTENT:** The following zoning districts are hereby established. For the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as stated. (Ord. 15, 7-11-1977)

9-4-2: **NATURAL RESOURCE DISTRICT (NR):** The purpose of the Natural Resource District (NR) is to preserve and maintain the rural character of the land. This district is also established to allow uses as designated by the comprehensive plan in areas where commercial, industrial and residential uses can exist side by side, and where the establishment of a separate district or single use district would not be desirable. (Ord. 15, 7-11-1977)

9-4-3: **HOLDING DISTRICT (H):** The purpose of a Holding District (H) is to maintain the current vacant character of the site until such time as logical development shall occur. (Ord. 15, 7-11-1977)

9-4-4: **SUBURBAN OR RURAL RESIDENTIAL DISTRICT (SR):** The purpose of the Suburban or Rural Residential District (SR) is to promote the establishment of low density dwellings, not to exceed two (2) dwelling units per acre. Lot area shall be of sufficient size for individual water and sewer facilities and the maintenance of a limited number of animals. (Ord. 15, 7-11-1977)

9-4-5: **SINGLE FAMILY RESIDENTIAL DISTRICT (R-0):** The purpose of the Single Family Residential District (R-0) is to promote the establishment of medium low-density, single-family dwellings, excluding mobile homes, not to exceed five (5) dwelling units per net acre. Centralized water and sewer facilities are required. (Ord. 15, 7-11-1977)

9-4-6: **RESIDENTIAL DISTRICT (R-1):** The purpose of the Residential District (R-1) is to promote the establishment of medium-low density, single-family dwellings not to exceed five (5) dwelling units per net acre. Centralized water and sewer facilities are required. (Ord. 15, 7-11-1977)

9-4-7: **MULTI-FAMILY RESIDENTIAL DISTRICT (R-2):** The purpose of the Multi-Family Residential District (R-2) is to promote the establishment of residential densities that range from single-family to multiple-family dwellings. This classification will provide for maximum density residential use and will require maximum services. (Ord. 27, 9-9-1981)

9-4-8: **NEIGHBORHOOD BUSINESS DISTRICT (C-1):** The purpose of the Neighborhood Business District (C-1) is to permit the establishment of convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such district shall be strategically located with access to a collector thoroughfare. Marginal strip development shall be prohibited. (Ord. 15, 7-11-1977)

9-4-9: **SERVICE BUSINESS DISTRICT (C-2):** The purpose of the service business district (C-2) is to permit the establishment of areas for highway and service business uses only. This district is specifically designed in clusters to service the motoring public. This district is generally associated with interchange areas along the major limited access highways. (Ord. 15, 7-11-1977)

9-4-10: **GENERAL COMMERCIAL DISTRICT (GC):** The general commercial district (GC) is intended to create, preserve or enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact locations typically appropriate to commercial clusters developed in urban density areas. This district also includes some development which does not strictly fit the description of this chapter, but also does not merit a zoning district. (Ord. 15, 7-11-1977)

9-4-11: **RURAL COMMERCIAL DISTRICT (RC):** The rural commercial district (RC) is intended to preserve or enhance areas with a range of retail sales and service establishments serving the needs of the rural population. (Ord. 15, 7-11-1977)

9-4-12: **LIGHT MANUFACTURING DISTRICT (M-1):** The purpose of the light manufacturing district (M-1) is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous, or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses. (Ord. 15, 7-11-1977)

9-4-13: **HEAVY MANUFACTURING DISTRICT (M-2):** The purpose of the heavy manufacturing district (M-2) is to encourage the development of major manufacturing, processing, warehousing and major research and testing operations. These activities require extensive community facilities and reasonable access to arterial thoroughfares. (Ord. 15, 7-11-1977)

9-4-14: **EXTRACTIVE MANUFACTURING DISTRICT (M-3):** The purpose of the extractive manufacturing district (M-3) is to provide land for the mining, processing and storage of mineral resources. This district is designed to assure that these resources are properly managed and all land reclaimed so as not to create a hazard or nuisance which either immediately or in the future adversely affects the health, safety, or general welfare of the community. (Ord. 15, 7-11-1977)

9-4-15: **LANDING FIELD DISTRICT (LF):** The purpose of the landing field district (LF) is to zone land surrounding an aircraft landing field. It is hereby found that an airport hazard endangers the lives and property of users of the airport and occupants of land in the vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. (Ord. 15, 7-11-1977)

9-4-16: **FLOODPLAIN OVERLAY DISTRICT (FP):** The purpose of the floodplain overlay district (FP) is to guide development in the flood prone areas of any watercourse that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconvenience to the individual property owners and the general public through flooding. Uses permitted in this district are generally associated with open space, recreational and agricultural land uses and shall not hinder the movement of floodwaters. This district is superimposed over other districts. Monitoring, compliance with and enforcement of the rules and regulations of the floodplain overlay district shall be the responsibility of the Shoshone County floodplain administrator. (Ord. 15, 7-11-1977; amd. Ord. 121, 9-24-2002)

9-4-17: **BUNKER HILL SUPERFUND SITE OVERLAY DISTRICT (BD):** The purpose of the Bunker Hill superfund site overlay district (BD) is to guide and control development in the area known as the federally created Bunker Hill superfund site by ensuring compliance with the environmental health code (EHC) and institutional control program (ICP) developed for the BD district. Monitoring compliance with and enforcement of the EHC and ICP shall be the responsibility of the Panhandle health district I. This district is superimposed over other districts contained in the Bunker Hill superfund site and the uses permitted in such districts are hereby preserved. (Ord. 78, 3-13-1995)

CHAPTER 5

PROVISIONS FOR OFFICIAL ZONING MAP

SECTION:

- 9-5-1: Official Zoning Map
9-5-2: Interpretation Of District Boundaries
9-5-3: Designation Of Official Zoning Maps

9-5-1: **OFFICIAL ZONING MAP:** The districts established in chapter 4 of this title as shown on the official zoning map, together with all explanatory matter thereon, are hereby adopted as part of this title. (Ord. 15, 7-11-1977)

9-5-2: **INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following shall apply:

- A. **Center Line:** Where district boundaries are indicated as approximately following the center line of street lines, highway right-of-way lines, streams, lakes, or other bodies of water, the center line shall be construed to be such boundary.
- B. **Lot Lines:** Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- C. **Parallel Lines:** Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.

- D. Railroad Line: Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of such railroad line. (Ord. 15, 7-11-1977)

9-5-3: **DESIGNATION OF OFFICIAL ZONING MAPS:** The following described maps are the official maps for Shoshone County:

- A. The four inch (4") equal one mile zoning map.
- B. The series of maps at one inch equal three hundred feet (1" = 300') (assessor's base maps) that include the county areas that are zoned.
- C. The flood boundary maps at one inch equal four hundred feet (1" = 400') on file in the county engineer's office. (Ord. 17, 7-27-1979)

CHAPTER 6
DISTRICT REGULATIONS

SECTION:

- 9-6-1: Compliance With Regulations
- 9-6-2: Official Schedule Of District Regulations Adopted
- 9-6-2- 1: Natural Resource District (NR)
- 9-6-2- 2: Holding District (H)
- 9-6-2- 3: Suburban Or Rural Residential District (SR)
- 9-6-2- 4: Single Family Residential District (R-0)
- 9-6-2- 5: Residential District (R-1)
- 9-6-2- 6: Multi-Family Residential District (R-2)
- 9-6-2- 7: Neighborhood Business District (C-1)
- 9-6-2- 8: Service Business District (C-2)
- 9-6-2- 9: General Commercial District (GC)
- 9-6-2-10: Rural Commercial District (RC)
- 9-6-2-11: Light Manufacturing District (M-1)
- 9-6-2-12: Heavy Manufacturing District (M-2)
- 9-6-2-13: Extractive Manufacturing District (M-3)
- 9-6-2-14: Landing Field District (LF)

9-6-1: **COMPLIANCE WITH REGULATIONS:** The regulations for each district set forth by this title shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereafter provided:

- A. No building, structure or land shall be used or occupied; no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk;

2. To accommodate or house a greater number of families;
 3. To occupy a greater percentage of lot area;
 4. To have narrower or smaller rear yards, front yards, side yards or other open spaces, than herein required, or in any manner be contrary to the provisions of this title.
- C. No lot existing at the time of passage hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements set forth herein. (Ord. 15, 7-11-1977)
- D. Any activities, uses or development as set forth in subsections A through C of this section which occur in the Bunker Hill Superfund Site Overlay District, shall also be subject to and in compliance with the environmental health code and institutional control program. In addition to any other permits and/or certificates required by this chapter, an ICP permit shall be obtained from Panhandle Health District I prior to the commencement of any work or activities in the BD district which are subject to the environmental health code and institutional control program. (Ord. 78, 3-13-1995)

9-6-2: OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
ADOPTED: District regulations shall be as set forth in this section and the performance standards contained in chapter 8 of this title. The official schedule of district regulations is divided into four (4) land use groups: rural or natural resource, residential, commercial and industrial. (Ord. 15, 7-11-1977; amd. 2001 Code)

9-6-2-1: NATURAL RESOURCE DISTRICT (NR)¹:

- A. Purpose: The purpose of the Natural Resource District (NR) is to preserve and maintain the rural character of the land. This district is also established to allow conditional commercial and industrial uses where they can be compatible, existing side by side, with residential uses, and where the establishment of a separate district for single use would not be desirable.

1. See chapter 14 of this title for regulations for the siting of manufactured homes.

B. Restrictions: No uses other than those provided in this title are permitted. No building shall be erected, altered, reconstructed, or moved except in conformance with the provisions of this title and this district. (Ord. 15, 7-11-1977)

C. Permitted Uses: Uses that do not require direct review by the planning and zoning commission:

Expansion of existing mining facilities.

Extractive manufacturing and prospecting.

Forestry, cultivation of the land, storage and agricultural products and related equipment, floriculture, horticulture, nurseries, greenhouses, animal and poultry husbandry, and general farming.

Home occupations.

Parks and other nonprofit public or private community facilities.

Residential uses:

One single-family dwelling.

One single-family mobile home.

One duplex (two-family dwelling).

One multiple-family dwelling. (Ord. 23, 4-1-1981; amd. Ord. 39, 8-13-1984)

D. Site Area Minimums, Yard Requirements (Setbacks), And Access (Road) Requirements:

1. Residential Uses:

a. Site Area Minimum:

(1) Single-family dwelling and mobile home, seven thousand seven hundred (7,700) square feet.

(2) Duplex and multiple-family dwelling, seven thousand five hundred (7,500) square feet plus two thousand five hundred (2,500) square feet for each unit over one.

b. Yard Requirements (Setbacks):

(1) Front Yard: Twenty five feet (25') from the front property line and/or fifty five feet (55') from the centerline of roadway or legal access.

(2) Rear Yard: Twenty feet (20').

(3) Side Yard: Five feet (5').

(4) Street Side Yard: Twenty feet (20') from the side property line and/or fifty feet (50') from centerline of roadway.

c. Access (Road) Requirements: Recorded legal access must be provided to all lots or parcels.

2. Nonresidential Uses:

a. Site Area Minimum: Sites within this district for nonresidential uses must provide a minimum of sixty five percent (65%) of the total site area to remain in open space free of structures.

b. Yard Requirements (Setbacks): Yard requirements shall be those established in subsection 9-8-2C of this title.

c. Access (Road) Requirements: Recorded legal access must be provided.

d. Commercial And Industrial Uses: The following additional criteria will be considered concerning a request for commercial and industrial uses in the natural resource district:

(1) The proposal complies with the goals and policies established in the comprehensive plan.

(2) The proposal meets all the subdivision and zoning site and performance standards as set out in this title and title 10 of this code. (Ord. 23, 4-1-1981)

E. Conditional Uses:

1. All other uses in this district require direct review by the planning and zoning commission under conditional use procedures outlined in chapter 9 of this title; and are subject to the performance standards outlined in chapter 8 of this title. In addition to standards set forth in

this title, provision for requirements greater than the minimum may be required by the planning and zoning commission upon review of the request for conditional use.

2. The following are specific conditional uses: gravel pits, rock quarries, sand pits, clay pits, and other pits which produce topsoil, general fill materials and/or common building stone. (Ord. 23, 4-1-1981; amd. Ord. 112, 6-22-1998)

9-6-2-2: **HOLDING DISTRICT (H):** The purpose of a Holding District (H) is to maintain the current vacant character of the site until such time as logical development will occur in that area. (Ord. 15, 7-11-1977)

9-6-2-3: **SUBURBAN OR RURAL RESIDENTIAL DISTRICT (SR):**

- A. Purpose: The purpose of the Suburban or Rural Residential District (SR) is to promote the establishment of low density dwellings, not to exceed two (2) dwelling units per acre. Lot area shall be of sufficient size for individual water and sewer facilities and the maintenance of a limited number of animals.
- B. Permitted Uses: Uses as permitted in the SR zone are as follows:
- Agriculture.
 - Public use.
 - Semi-public use.
 - Single-family dwelling.
 - Two-family dwelling.
- C. Conditional Uses:
- Mobile home.
- D. Lot Size: Lot size in an SR zone shall be as follows: for a single-family dwelling, a two-family dwelling or a mobile home, the minimum lot area shall be two (2) acres. (Ord. 15, 7-11-1977)

- E. Yard Requirements: Yard sizes shall be as follows in the SR zone:
1. Front Yard: Front yard shall be a minimum of twenty five feet (25'). (Ord. 15, 7-11-1977; amd. Ord. 113, 6-22-1998)
 2. Rear Yard: Rear yard shall be a minimum of twenty feet (20').
 3. Interior Side Yard: Interior side yard shall be a minimum of five feet (5').
 4. Street Side Yard: Street side yard shall be a minimum of twenty feet (20').
- F. Building Height: Building height in the SR zone shall not exceed thirty five feet (35') or two and one-half (2¹/₂) stories, whichever is lower. (Ord. 15, 7-11-1977)

9-6-2-4: **SINGLE FAMILY RESIDENTIAL DISTRICT (R-0):**

- A. Purpose: The purpose of the Single Family Residential District (R-0) is to promote the establishment of medium low-density, single-family dwellings, excluding mobile homes, not to exceed five (5) dwelling units per net acre. Centralized water and sewer facilities are required.
- B. Permitted Uses: The following permitted uses are allowed in the R-0 zone:
- Home occupations.
- Single-family dwellings (excluding mobile homes). (Ord. 15, 7-11-1977)
- C. Conditional Uses: The following are conditional uses:
- Day nursery.
- Hospital; nursing home, home of the aged.
- Manufactured homes. However, if a conditional use permit is granted, such permit shall not be construed or considered as permitting the placement of a manufactured home on a parcel of property which is subject to valid and existing restrictive covenants or conditions prohibiting such placement. It shall be the permit

applicant's responsibility to determine if any such land use restrictions are in force and effect.

Medical or dental clinic.

Public use. (Ord. 15, 7-11-1977; amd. Ord. 72, 4-18-1994)

D. Yard Requirements: Yard requirements in a R-0 zone shall be as follows:

1. Front Yard: Front yard shall be a minimum of twenty five feet (25'). (Ord. 15, 7-11-1977; amd. Ord. 113, 6-22-1998)

2. Rear Yard: Rear yard shall be a minimum of twenty feet (20').

3. Interior Yard: Interior yard shall be a minimum of five feet (5').

4. Street Side Yard: Street side yard shall be a minimum of twenty feet (20').

E. Building Height: In the R-0 zone no building shall exceed a height of thirty five feet (35') or two and one-half ($2\frac{1}{2}$) stories, whichever is lower. (Ord. 15, 7-11-1977)

9-6-2-5: RESIDENTIAL DISTRICT (R-1):

A. Purpose: The purpose of the Residential District (R-1) is to promote the establishment of medium low-density, single-family dwellings, not to exceed five (5) dwelling units per net acre. Centralized water and sewer facilities are required.

B. Permitted Uses: The following permitted uses are allowed in the R-1 zone:

Home occupations.

Single-family dwellings.

C. Conditional Uses: The following are conditional uses:

Day nursery.

Dormitories.

Fraternity house.

Hospital; nursing home, home of the aged.

Medical or dental clinic.

Mobile home parks.

Planned unit developments.

Public use.

Semi-public use.

Sorority.

Two-family dwellings.

D. Lot Size: Minimum lot sizes for the R-1 zone are as follows:

1. Single-Family Dwelling: For a single-family dwelling, the minimum lot area shall be seven thousand seven hundred (7,700) square feet.

2. Two-Family Or Multi-Family Dwelling: For a two-family dwelling or a multi-family dwelling, the minimum lot area shall be seven thousand five hundred (7,500) square feet plus two thousand five hundred (2,500) square feet for each dwelling unit over one.

3. Lot Width: Lot width shall be a minimum of seventy feet (70').

4. Lot Depth: Lot depth shall be a minimum of one hundred ten feet (110'). (Ord. 15, 7-11-1977)

E. Yard Requirements: Yard requirements in an R-1 zone shall be as follows:

1. Front Yard: Front yard shall be a minimum of twenty five feet (25'). (Ord. 15, 7-11-1977; amd. Ord. 113, 6-22-1998)

2. Rear Yard: Rear yard shall be a minimum of twenty feet (20').

3. Interior Yard: Interior yard shall be a minimum of five feet (5').

4. Street Side Yard: Street side yard shall be a minimum of twenty feet (20').

- F. **Building Height:** In the R-1 zone no building shall exceed a height of thirty five feet (35') or two and one-half (2¹/₂) stories, whichever is lower. (Ord. 15, 7-11-1977)

9-6-2-6: MULTI-FAMILY RESIDENTIAL DISTRICT (R-2):

- A. **Purpose:** The purpose of the Multi-Family Residential District (R-2) is to promote the establishment of residential densities that range from single-family to multiple-family dwellings. This classification will provide for maximum density residential use and will require maximum services.
- B. **Restrictions:**
1. **Uses Restricted:** No other uses than those provided in this district are permitted.
 2. **Conformance Required:** No building shall be erected, altered, reconstructed, or moved except in conformance with the provisions of this title and this district.
 3. **Access To Public Thoroughfare:** All districts zoned in this classification will have direct access to a public thoroughfare of at least a collector classification as determined by the county engineer.
- C. **Permitted Uses And Site Area Minimums:** All sites in this district must provide a minimum of sixty five percent (65%) of the total site area to remain in open space, free of structures.
1. **Residential:**

Multiple-family uses, seven thousand seven hundred (7,700) square feet for the first unit plus an additional two thousand (2,000) square feet of land area for each additional unit. Multi-family uses require ninety feet (90') of frontage on a public street.

Single-family residential unit/single-family mobile home on individual lot, seven thousand seven hundred (7,700) square feet with seventy feet (70') of frontage on a public street.

Two-family (duplex) residential unit, nine thousand seven hundred (9,700) square feet with seventy feet (70') of frontage on a public street.

2. Nonresidential:

Churches, grange halls, and other nonprofit public or private community facilities.

"Home occupations" as defined in section 9-2-2 and subsection 9-8-5L of this title.

Public and private schools, except where students are held under restraint.

D. Prohibited Uses:

Commercial uses as specified in commercial district regulations.

Industrial and manufacturing uses as specified in industrial district regulations.

Outdoor advertising structures, except signs that identify a home occupation or the sale or rental of property on which the sign is located.

Storage of any material not used in conjunction with a permitted use. Storage of more than one unlicensed vehicle or storage of any visible vehicle parts whether dismantled, partly dismantled, obsolete, or wrecked.

E. Yard Requirements (Setbacks) And Height Limitations:

1. Yard Requirements, Residential Uses:

a. Front Yard: Twenty five feet (25') from the front property line, or where abutting right of way cannot be determined, fifty five feet (55') from the center line of the street.

b. Rear Yard: Twenty feet (20').

c. Side Yard: Five feet (5').

d. Street Side Yard: Twenty feet (20') from the side property line, or where abutting right of way cannot be determined, fifty five feet (55') from the center line of the street.

2. Building Height: Maximum height of buildings shall not exceed forty five feet (45').

F. Conditional Uses:

Animal clinics, orphanages, hospitals, boarding kennels, runs, and training schools.

Cemeteries.

Golf courses, athletic facilities (i.e., tennis clubs, etc.).

Hospitals.

Mobile home park.

Nurseries (daycare centers).

Public utility complex facility.

Rental warehouse.

Retirement, convalescent and nursing homes, and other group housing. (Ord. 27, 9-9-1981)

9-6-2-7: NEIGHBORHOOD BUSINESS DISTRICT (C-1):

A. Purpose; Restrictions: The purpose of the Neighborhood Business District (C-1) is to permit the establishment of convenience business uses which tend to meet the daily needs for the residents of the immediate neighborhood. Such district shall be strategically located with access to a collector thoroughfare. Marginal strip development shall be prohibited.

B. Permitted Uses: The following uses are permitted in the NB zone:

Beauty or barber shop.

Drug store.

Food store.

C. Conditional Uses: The following uses are conditional uses permitted in the NB zone:

Service station.

- D. Yard Requirements: In the NB zone, the yards shall be as follows:
1. Front Yard: Minimum front yard, none.
 2. Rear Yard: Minimum rear yard, five feet (5').
 3. Interior Side Yard: No requirements for interior sides.
 4. Street Side Yard: Street side, ten feet (10'). (Ord. 15, 7-11-1977)

9-6-2-8: **SERVICE BUSINESS DISTRICT (C-2):**

- A. Purpose: The purpose of a Service Business District (C-2) is to permit the establishment of areas for highway and service business uses only. This district is specifically designed in clusters to service the motoring public. This district is generally associated with interchange areas along with major limited-access highways.
- B. Permitted Uses: The following uses are permitted in a C-2 zone:
- Gift shop.
 - Motel or hotel.
 - Restaurant.
 - Self-service laundry.
 - Service station.
 - Travel trailer or campground park.
- C. Conditional Uses: The following are conditional uses permitted within the C-2 zone:
- Bar or tavern.
 - Car or trailer sales and service.
 - Car wash.
 - Livery stable.
 - Public use.

Semi-public use.

- D. Yard Requirements: In the C-2 zone, a side or rear yard abutting a residential zone shall be screened and have a minimum of fifteen feet (15') from the rear of the structure to the back lot line. (Ord. 15, 7-11-1977)

9-6-2-9: GENERAL COMMERCIAL DISTRICT (GC):

- A. Purpose: The General Commercial District (GC) is intended to create, preserve or enhance areas with a wide range of retail uses and service establishments serving both long- and short-term needs in compact locations typically appropriate to commercial clusters developed in urban density areas. This district also includes some development which does not strictly fit the description of this chapter, but also does not merit a zoning district.

- B. Permitted Uses: The following uses are permitted in a GC district:

Automotive sales and service.

Bakery.

Bank or other financial institution.

Beauty shop, barber shop or other personal service business.

Boat or house trailer sales and services.

Bowling alley or other commercial amusement establishment.

Building materials supply outlet.

Business or professional office.

Day nursery.

Frozen food locker service.

Laundry and dry-cleaning establishment.

Laundry, self-service.

Medical and dental clinic.

Motel or hotel.

Printing plant.

Restaurant.

Retail store.

C. Conditional Uses: The following uses are conditional uses in the GC zone:

Baker, wholesale.

Bar or tavern.

Car wash.

Drive-in theater.

Farm equipment or heavy equipment sales and service.

Mortuary.

Public use.

Semi-public use.

Service station.

Veterinary clinic or kennel. (Ord. 15, 7-11-1977)

9-6-2-10: RURAL COMMERCIAL DISTRICT (RC):

A. Purpose: The Rural Commercial District (RC) is intended to preserve or enhance the areas with a range of retail sales and service establishments serving the needs of the rural community and to provide commercial recreational use and development. This district is also established to allow conditional residential use when all services can be delivered.

B. Permitted Uses: The following uses are permitted in the RC district:

Bank or other financial institution.

Bar or tavern.

Beauty shop, barber shop or other personal service business.

Commercial recreational.

Day nursery.

Grocery store.

Medical or dental clinic.

Motel or hotel.

Museums.

Restaurant.

Retail store.

Self-service laundry.

Service station.

C. Conditional Uses: The following uses are conditional uses permitted in the RC district:

Heavy equipment sales and service.

Public use.

Residential.

Semi-public use. (Ord. 15, 7-11-1977; amd. Ord. 74, 5-16-1994)

9-6-2-11: **LIGHT MANUFACTURING DISTRICT (M-1):**

A. Purpose: The purpose of the Light Manufacturing District (M-1) is to encourage development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare; operate entirely within an enclosed structure and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between any

manufacturing uses and other less intense business and residential uses.

B. Permitted Uses: The following uses are permitted in the M-1 zone:

Auto sales, service, storage and rental.

Billboard manufacture.

Building supply outlet.

Cabinet shop.

Car wash.

Cleaning and laundry agency.

Contractor storage yard.

Dairy products processing.

Food processing plant.

Furniture refinishing.

Grain storage.

Laundry, commercial plant.

Lumberyard, retail.

Machine shop.

Nursery for flowers and plants.

Parking lot, garage facility.

Public utility yard.

Railroad yards or shops.

Sanitary landfill.

Shop for building contractor.

Sign shop.

Terminal trucking yard.

Tire shop, including recapping.

Trailer, mobile home, farm equipment sales yard.

Warehousing and wholesaling.

C. Conditional Uses: The following uses are conditional uses permitted in the M-1 district:

Billboard manufacturer.

Chemical storage and manufacturing.

Drive-in theater.

Feedlots, stockyards.

Food store, delicatessen.

Fuel yard.

Hospital.

Ice manufacture, cold storage plant.

Junkyard.

Machine shop.

Meat packing plant.

Monument works, stone.

Planned unit development.

Prescription pharmacy.

Printing and blueprinting.

Rendering plant.

Roadside stand.

Service station.

Truck and tractor repair.

Wood processing plant, except pulp mill, chipping plant, creosote plant.

Wrecking yard.

- D. Yard Requirements: There are no yard requirements or maximum height limitations in the M-1 district. (Ord. 15, 7-11-1977)

9-6-2-12: HEAVY MANUFACTURING DISTRICT (M-2):

- A. Purpose: The purpose of the Heavy Manufacturing District (M-2) is to encourage development of major manufacturing, processing, warehousing and major research and testing operations. These activities require extensive community facilities and reasonable access to arterial thoroughfares.

- B. Permitted Uses: Those uses permitted in the M-2 district are as follows:

Asphalt plant.

Auto sales, service, storage and rental.

Beverage bottling plant.

Chemical storage and manufacturing.

Concrete batch plant or clay products manufacturing.

Contractor's storage yard.

Dairy products, processing.

Food processing plant.

Fuel yard.

Grain storage.

Ice manufacture, cold storage plant.

Junkyard.

Lumberyard retail.

Machine shop.

Meat packing plant.

Monument works, stone.

Parking lot, garage facility.

Petroleum storage.

Planing mill.

Public utility yard.

Railroad yard or shops.

Shop for building contractor.

Sign shop.

Terminal trucking yard.

Tire shop.

Trailer, mobile home, farm equipment sales yard.

Truck and tractor repair.

Warehousing and wholesaling.

Wood processing plant.

Wrecking yard.

C. Conditional Uses: The following are conditional uses permitted in the M-2 zone:

Feedlot and stockyard.

Railroad and sanitary landfill.

Rendering plant. (Ord. 15, 7-11-1977; amd. Ord. 33, 5-4-1983)

9-6-2-13: EXTRACTIVE MANUFACTURING DISTRICT (M-3):

A. Purpose: The purpose of the Extractive Manufacturing District (M-3) is to provide land for the mining and or mining-related treatment processes, waste dumps, and storage of mineral resources and tailings ponds. This district is designed to ensure that these resources are properly managed and all land is reclaimed so as not to create a hazard or nuisance, which either immediately or in the future, adversely affects the health, safety or general welfare of the community. (Ord. 15, 7-11-1977)

B. Permitted Uses: Those uses allowed in the M-3 zone are as follows:

Asphalt plant.

Chemical storage and manufacturing.

Concentrating, smelting and/or related type treatment processes.

Concrete batch plant or clay products manufacturing.

Contractor's storage yard.

Dairy products, processing.

Gravel pits, rock quarries, sand pits, and clay pits.

Monument works, stone.

Rendering plant.

Sanitary landfill.

Tailings ponds or related impoundment areas.

Waste dumps. (Ord. 15, 7-11-1977; amd. Ord. 112, 6-22-1998)

C. Conditional Uses: Agriculture and forest are the only conditional uses in this district.

- D. Yard Requirements; Height Restrictions: There are no yard restrictions or maximum height limitations within the M-3 district.
- E. Screening; Setbacks: Where practical and at new developments, appropriate screening or setbacks from roadways will be required to allow for as little visual disturbance as possible to the natural landscape. (Ord. 15, 7-11-1977)

9-6-2-14: LANDING FIELD DISTRICT (LF):

- A. Purpose: The purpose of the Landing Field District (LF) is to zone land surrounding an aircraft landing field. It is hereby found that an airport hazard endangers the lives and property of users of the airport and occupants of land in the vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.
- B. Permitted Uses: Uses permitted in the LF zone are as follows:
 - Aircraft repair.
 - Airplane storage.
 - Flight school.
 - Food service in relation to airports.
 - Light industrial manufacturing.
 - Parking.
 - Storage for aircraft fuel.
- C. Building Height: Building height in LF zone shall not exceed thirty five feet (35'). (Ord. 15, 7-11-1977)



CHAPTER 7

FLOODPLAIN OVERLAY DISTRICT (FP) REGULATIONS

SECTION:

- 9-7- 1: Authority
- 9-7- 2: Purpose
- 9-7- 3: Methods Of Reducing Flood Losses
- 9-7- 4: Definitions
- 9-7- 5: General Provisions
- 9-7- 6: Administration Of Provisions
- 9-7- 7: Development Permit
- 9-7- 8: Provisions For Flood Hazard Reduction
- 9-7- 9: Variance And Appeal Procedure
- 9-7-10: Penalties

9-7-1: **AUTHORITY:** These regulations are authorized by Idaho Code section 67-6518. (Ord. 133, 8-9-2007)

9-7-2: **PURPOSE:** It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;

- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- I. To meet federal requirements so Shoshone County may participate in the national flood insurance program; and
- J. To protect and preserve natural resources and environmental qualities. (Ord. 133, 8-9-2007)

9-7-3: **METHODS OF REDUCING FLOOD LOSSES:** In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas; and

- F. Requiring adherence to the site disturbance ordinance for erosion and sediment control and storm water management. (Ord. 133, 8-9-2007)

9-7-4: **DEFINITIONS:** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application. Where in conflict with section 9-2-2 of this title, the following definitions will control for the enforcement of standards in this chapter:

ACCESSORY STRUCTURES: Low cost buildings that do not exceed one thousand (1,000) square feet, such as detached garages, bathhouses, small pole barns, carports, gazebos, and storage sheds, not to be used for human habitation, shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent flotation which may result in damage to other structures; service utilities such as electrical and heating equipment shall be elevated or floodproofed.

APPEAL: A request for a review of the county administrator's interpretation of any provision of this chapter to the county planning and zoning commission.

AREA OF SHALLOW FLOODING: A designated AO or AH zone of the flood insurance rate map (FIRM). The base flood depths range from one foot (1') to three feet (3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

BASE FLOOD:	The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.
BASE FLOOD ELEVATION (BFE):	The computed elevation by statistical analysis of stream flow records for the watershed and rainfall and runoffs in the general region of the watershed to which floodwater is anticipated to rise during the base flood as designated or approved by FEMA.
BASEMENT:	Any area of the building, including a crawl space, having its floor subgrade (below ground level) on all sides.
CRAWL SPACE:	An enclosed area below the base flood elevation. Crawl space height in areas of special flood hazard shall not exceed four feet (4') and the crawl space cannot be below grade on all four (4) sides.
CRITICAL FACILITY:	A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, daycares, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
DEVELOPMENT:	Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, and removal or replanting of vegetation operations located within the area of special flood hazard.
DEVELOPMENT PERMIT:	Permit required from the county before any development shall occur within an area of special flood hazard.
ELEVATED BUILDING:	A nonbasement building which has its lowest floor raised above ground level by foundation

walls, shear walls, posts, piers, pilings, or columns.

**EXISTING
MANUFACTURED
HOME PARK OR
SUBDIVISION:**

A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

**FLOOD INSURANCE
RATE MAP (FIRM):**

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

**FLOOD INSURANCE
STUDY:**

The official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

**FLOOD OR
FLOODING:**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN:

A plain bordering a stream or river that is subject to flooding as designated or approved by FEMA.

FLOODWAY:

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). Floodways are delineated on FEMA maps.

**LETTER OF MAP
AMENDMENT (LOMA):**

An official amendment, by letter, to an effective NFIP map. A LOMA establishes a property's location in relation to the special flood hazard area (SFHA). LOMAs are usually issued

because a property has been inadvertently mapped as being in the area of special flood hazard, but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

**LETTER OF MAP
REVISION (LOMR):**

FEMA's modification to an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report. All requests for changes to effective maps, other than those initiated by FEMA, must be made in writing by the chief executive officer (CEO) of the community or an official designated by the CEO. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LOWEST FLOOR:

The floor of the lowest enclosed area (including a basement). For the purpose of elevation, the top of the lowest floor is the top of the subfloor or the top of a concrete slab. A crawl space is not considered a building's lowest floor, provided, that such enclosure is less than four

feet (4') in height, and is at or above grade (ground level) on at least one side.

MANUFACTURED HOME:

A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on site for greater than one hundred eighty (180) consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION:

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots, spaces or sites for rent or sale.

NEW CONSTRUCTION:

For the purposes of this chapter, any improvement to any property for which the start of construction commenced on or after the effective date hereof, including, but not limited to, new structures and improvements to existing structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION:

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date hereof.

ORDINARY HIGH WATER MARK:

The boundary of water basins, watercourses, public waters, and public waters wetlands, and:

A. The ordinary high water level is an elevation delineating the highest water level that has been maintained for sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

- B. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- C. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- PARKING LOT:** Area designed and designated for the temporary parking of vehicles. Surface to be at ground level and constructed of concrete or asphalt.
- PERSONAL PROPERTY:** Items that will be moved by floodwaters including, but not limited to, porta-potties, rafts, boats, tires, barrels, buckets, temporary storage buildings, firewood, picnic tables, etc.
- RECREATIONAL VEHICLE:** A vehicle, which is:
- A. Built on a single chassis;
 - B. Designed to be self-propelled or permanently towable by a light duty truck, and licensed and ready for highway use;
 - C. Attached to the site only with quick disconnect utilities and security devices;
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use with no attached additions. For the purposes of this definition, "temporary" is no more than one hundred eighty (180) days.
- RECREATIONAL VEHICLE PARKING PAD:** Area designed and designated for the temporary parking of a recreational vehicle. Surface to be at ground level and constructed of concrete or asphalt.
- REPETITIVE LOSS:** Flood related damages sustained by a structure, including, but not limited to, damage to skirting, foundation, or interior or exterior construction of the structure, on two (2) separate occasions

during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five percent (25%) of the market value of the structure before damage occurred.

RIPARIAN BUFFER ZONE:

The interface of land and a flowing water body. Consisting of grasses, brush, shrubs, and trees. To be a width of a minimum of twenty five feet (25').

START OF CONSTRUCTION:

The first placement of permanent construction (includes substantial improvement) of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, and work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE:

Anything constructed or erected, above the ground, 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, gazebos, carports, mobile homes, gas or liquid storage tanks, walls, fences (being 30 percent solid or more) and billboards, of any size.

SUBSTANTIAL DAMAGE:

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred as determined by a certified appraiser.

SUBSTANTIAL IMPROVEMENT:

A. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure (accumulative within a 5 year period) as determined by a certified appraiser:

1. Before the improvement or repair is started;
or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

B. This term does not, however, include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

TECHNICAL REVIEW COMMITTEE:

A technical review and advisory committee selected by and serving at the pleasure of the administrator consisting of agencies and experts in fields relevant to a given application. The committee members may include, but may not be limited to, engineers, technicians, fire departments, law enforcement, school districts, hospitals, Panhandle health district, and any state or federal agencies, and any other specialists deemed appropriate by the administrator.

VARIANCE:

For the purposes of this chapter, a grant of relief from the requirements of this chapter

which permits construction in a manner that would otherwise be prohibited by this chapter.

WATER DEPENDENT: A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

WATERCOURSE: Any seasonal or perennial body of water that includes, but is not limited to, rivers, anabranches, streams, brooks, lakes, and ponds. (Ord. 133, 8-9-2007)

9-7-5: GENERAL PROVISIONS:

- A. **Lands To Which This Chapter Applies:** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the county.
- B. **Basis For Establishing Areas Of Special Flood Hazard:** The areas of special flood hazard identified by the federal insurance administration is a scientific and engineering report entitled "The Flood Insurance Study For The County Of Shoshone", dated September 5, 1979, with accompanying flood insurance maps and is hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the Shoshone County courthouse, Wallace, Idaho.
- C. **Compliance:** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.
- D. **Abrogation And Greater Restrictions:** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlay, whichever imposes the more stringent restrictions shall prevail.
- E. **Warning And Disclaimer Of Liability:** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter shall not create liability on the part of the county, an officer or employee

thereof, or the federal insurance administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

- F. Interpretation And Application: In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
 2. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 133, 8-9-2007)

9-7-6: **ADMINISTRATION OF PROVISIONS:**

- A. Administrative Authority: The board of county commissioners shall appoint an administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
- B. Duties And Responsibilities Of County Administrator: Duties of the county administrator shall include, but not be limited to:
1. Permit Review:
 - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of subsection 9-7-8C of this chapter are met.
 2. Review And Use Of Other Base Flood Data: When base flood elevation data has not been provided in accordance with subsection 9-7-5B, "Basis For Establishing Areas Of Special Flood Hazard", of this chapter, the county administrator may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer subsections 9-7-8B, "Specific Standards", and 9-7-8C, "Floodways", of this chapter.

3. Obtain And Maintain Information:

a. Where base flood elevation data is provided through the flood insurance study or required as in subsection B2 of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new or substantially improved floodproofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level); and

(2) Maintain the floodproofing certifications required in subsection 9-7-7B3 of this chapter.

c. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration Of Watercourses: Any alteration of watercourses will be carried out in accordance with all applicable federal, state, and local regulations and all necessary permits shall be obtained with copies provided to Shoshone County.

The following are required before an alteration of any watercourse:

a. Notify adjacent property owners within one-half ($\frac{1}{2}$) mile upstream and downstream from the project boundaries, any affected communities, the state of Idaho department of water resources, and the U.S. army corps of engineers prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal insurance administration and Shoshone County.

b. Require compliance with state and federal regulations for maintenance within the altered or relocated portion of such watercourse so that the flood carrying capacity is not diminished.

The provisions of this section do not apply to the routine removal of debris or navigational hazards.

5. Interpretation Of FIRM Boundaries: Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 9-7-9 of this chapter. (Ord. 133, 8-9-2007)

9-7-7: DEVELOPMENT PERMIT:

- A. **Permit Required:** A development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all structures, including, but not limited to, manufactured homes, and for all development.
- B. **Application For Permit:** Application for a development permit shall be made on forms furnished by the county administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimension, and elevation of the area in question; location and dimensions of existing and proposed structures, fill, storage of materials and drainage facilities. Elevations shall be established by an elevation certificate certified by a professional land surveyor. All applicable sections of the application form shall be completed in order for the application to be deemed complete. Specifically, the following information, among other items, is required:
1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
 2. Elevation in relation to mean sea level to which any structure has been floodproofed.
 3. Certification by a licensed professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 9-7-8B of this chapter.
 4. Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.
- C. **Fee Required:** Permit fee shall be submitted to the administrator as adopted from time to time by resolution of the board of county commissioners. (Ord. 133, 8-9-2007)

9-7-8: PROVISIONS FOR FLOOD HAZARD REDUCTION:

- A. **General Standards:** In all areas of special flood hazards the following standards are required:

1. Anchoring:

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation In Flood Hazard Areas" guidebook for additional techniques.)

2. Construction Materials And Methods:

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. Floodway road material to be six inch minus (6"-), compacted to a minimum twelve inch (12") depth or asphalt complying with "Highway And Street Guidelines For Design And Construction". Floodplain road material to be four inch minus (4"-), compacted to a minimum six inch (6") depth or asphalt complying with "Highway And Street Guidelines For Design And Construction". Roads to be constructed at the natural existing grade.

3. Utilities:

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

b. New and replacement sanitary sewage systems shall be designed and approved by Panhandle health district to minimize or

eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

c. On site solid waste disposal shall be located to avoid impairment to them or contamination from them during flooding.

d. All new and replacement water supply systems, new and replacement sanitary sewage systems, and on site waste disposal systems must be approved by Panhandle health district or Idaho department of environmental quality as appropriate, prior to issuance of a development permit.

e. All new and replacement propane tanks, oil tanks, or containers used for the storage of any other substances shall be designed to minimize or eliminate infiltration of floodwaters and secured to prevent movement due to floodwaters.

4. Residential Subdivision Proposals: These provisions do not apply to parcels existing prior to the effective date hereof.

a. All subdivision proposals shall be consistent with the need to minimize flood damage, and compliant with all FEMA standards.

b. All subdivision proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce flood damage.

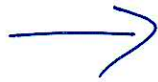
d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for all subdivision proposals and other proposed developments. Base flood elevation shall be determined by a qualified professional engineer. All costs incurred are the responsibility of the applicant.

e. All lots along rivers must have one or more sides a minimum of two hundred feet (200') of water frontage along the ordinary high water mark, excluding the south fork of the Coeur d'Alene River between the cities of Pinehurst and Mullan.

f. A vegetative riparian buffer zone of a minimum of twenty five feet (25') shall be preserved along with any high water channels and wetland areas. All riparian buffers are determined on current site

conditions by the technical review committee. In the event of any removal or loss of vegetation it shall be reestablished.

g. All plats shall identify the floodway/floodplain delineation and the ordinary high water mark and be labeled as "public trust land", riparian areas, and high water channels.



5. Recreational Subdivision Proposals: These provisions do not apply to parcels existing prior to the effective date hereof.

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have adequate drainage provided to reduce flood damage.

c. Recreational vehicles shall be limited to one per acre. A special use permit issued by the board of county commissioners is required for additional recreational vehicles for periods over seven (7) days.

d. Structures or items of personal property, excluding permitted structures, shall be removed from November 1 through March 31 of each calendar year or when floodwaters threaten to encroach the property.

e. Structures of any size in the floodplain require proper permitting from the proper authorities.

f. Any recreational subdivision intended for recreational vehicles is required to provide either a septic and drain field or dump station. Systems must be compliant with the state of Idaho requirements.

g. A vegetative riparian buffer of a minimum of twenty five feet (25') shall be preserved along with any high water channels and wetland areas. All riparian buffers are determined on current site conditions by the technical review committee. In the event of any removal or loss of vegetation it shall be reestablished.

h. All lots along rivers must have one or more sides a minimum of three hundred feet (300') of water frontage along the ordinary high water mark, excluding the south fork of the Coeur d'Alene River between the cities of Pinehurst and Mullan.

i. All plats shall identify the ordinary high water mark and be labeled as "Public Trust Land", riparian areas, and high water channels.

6. Review Of Building Permits: Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

B. Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided as set forth in subsection 9-7-5B or 9-7-6B2 of this chapter, the following provisions are required:

1. Residential Construction:

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to two feet (2') above base flood elevation or higher.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot (1') above grade.

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters (FEMA technical bulletin 11-01).

(4) For crawl space construction refer to FEMA technical bulletin 11-01.

c. Residential construction shall not be allowed in the floodway without FEMA compliance.

2. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the county administrator.

Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection B1 of this section.

Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).

Nonresidential structures shall not be allowed in the floodway without FEMA compliance.

3. Manufactured Homes: All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor and/or any electrical or mechanical equipment of the manufactured home is two feet (2') above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection A of this section.

4. Riparian Buffer: The natural vegetative riparian buffer shall be preserved. In the event of any removal or loss it shall be reestablished.

5. Erosion Prevention: All property within the floodplain shall be vegetated or otherwise covered so as to prevent erosion and preserve water quality from November 1 to March 31 of each calendar year or when floodwaters threaten to encroach the property.

C. Floodways: Located within areas of special flood hazard established in subsection 9-7-5B of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, structure replacement, and other development. This section shall not apply to the construction of parking lots or RV pads as defined in section 9-7-4 of this chapter and with FEMA as appropriate.

2. Items of personal property, excluding permitted structures, shall be removed from November 1 through March 31 of each calendar year. Additionally, items of personal property, excluding permitted structures, shall be removed when floodwaters threaten to encroach the property regardless of the time of year.

D. Standards For Shallow Flooding Areas (AO Zones): Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one foot (1') to three feet (3') where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated three feet (3') above the highest adjacent grade of the building site, or two feet (2') above the depth number specified on the FIRM.

2. New construction and substantial improvements of nonresidential structures and accessory structures within AO zones shall either:

a. Have the lowest floor (including basement) elevated one foot (1') above the highest adjacent grade of the building site, to or one foot (1') above the depth number specified on the FIRM.

b. Be completely floodproofed, including attendant utility and sanitary facilities, to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (If this method is used, compliance shall be certified by a registered professional engineer or architect as provided in subsection B of this section.)

3. Require adequate drainage paths on slopes to guide floodwaters around and away from proposed structures. (Ord. 133, 8-9-2007)

9-7-9: VARIANCE AND APPEAL PROCEDURE:

- A. **Appeal:** When it is alleged there is an error in any requirements, decision, or determination made by the county administrator in the enforcement or administration of this chapter, an appeal may be submitted to the county planning and zoning commission within fifteen (15) days of the decision or determination. Those aggrieved by the decision of the planning commission may appeal such decision in accordance with the requirements of section 9-15-3 of this title.
- B. **Variance:** Procedures for variance shall be in conformity with chapter 15 of this title.
- C. **Criteria For Consideration:** In passing upon applications for appeal and variance, the planning and zoning commission and board of commissioners shall consider all technical evaluations, all relevant factors and standards specified in other sections of this chapter and:
1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger to life and property due to flooding or erosion damage.
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location.
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with existing and anticipated development.
8. The proposed use is consistent with the applicable comprehensive plan and ordinances of Shoshone County.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Conditions For Variance:

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety,

extraordinary public expense, create a nuisance, cause fraud on or victimization of the public as identified in this chapter, or conflict with existing local laws or ordinances.

5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, that such construction below the base flood level increases risks to life and property, and that the county is not liable for any flood damages that result. Such notification shall be maintained with the record of the variance action. (Ord. 133, 8-9-2007)

9-7-10: **PENALTIES:**

- A. **Power Of Prosecuting Attorney:** The prosecuting attorney may, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this title.
- B. **Penalty:** Penalty for failure to comply with, or which violate, the provisions of this title shall be as follows:
1. **Misdemeanor:** Violation of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor punishable by a fine of not more than three hundred dollars (\$300.00), imprisonment not to exceed thirty (30) days, or both.
 2. **Continuing Violation:** Each day such violation continues shall be considered a separate offense.
 3. **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.
 4. **Additional Remedies:** Nothing herein contained shall prevent the board or any other public official or private citizen from taking such other lawful action as is necessary to restrain or prevent any violation of this title or the Idaho Code. (Ord. 133, 8-9-2007)



CHAPTER 7A

**BUNKER HILL SUPERFUND SITE OVERLAY
DISTRICT (BD) REGULATIONS**

SECTION:

- 9-7A-1: Purpose
- 9-7A-2: Methods Of Reducing Losses
- 9-7A-3: Definitions
- 9-7A-4: Application And Interpretation Of Provisions
- 9-7A-5: Administration Of Provisions
- 9-7A-6: Variance And Appeal Procedure

9-7A-1: **PURPOSE:** It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to the existence of lead in specific areas by provisions designed:

- A. To guide and control development and activities in the BD district by ensuring compliance with environmental health code (EHC) and institutional control program (ICP) developed for the BD district and administered by the Panhandle health district I. (Ord. 78, 3-13-1995)

9-7A-2: **METHODS OF REDUCING LOSSES:** In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Controlling activities and development in the BD district by requiring compliance with the EHC and ICP in such district. (Ord. 78, 3-13-1995)

9-7A-3: **DEFINITIONS:** Unless specifically defined below or elsewhere in this title, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application. Where in

conflict with section 9-2-2 of this title, the following definitions will control for the enforcement of standards in this chapter:

**BUNKER HILL
SUPERFUND SITE
OVERLAY DISTRICT
(BD):**

The Bunker Hill superfund site overlay district includes parts of the west corridor of the county as those areas are defined in the comprehensive plan and is synonymous with the area known as the federally created Bunker Hill superfund site.

**ENVIRONMENTAL
HEALTH CODE (EHC):**

The health code, as amended from time to time, administered by Panhandle health district I in connection with the institutional control program for the Bunker Hill superfund site.

**INSTITUTIONAL
CONTROL PROGRAM
(ICP):**

The various actions and programs undertaken to decrease human exposure to lead in the Bunker Hill superfund site.

**PANHANDLE HEALTH
DISTRICT I:**

The local health agency at Kellogg charged with the responsibility of overseeing compliance with and enforcement of the environmental health code and the institutional control program developed for the Bunker Hill superfund site pursuant to its duly and properly enacted rules and regulations. (Ord. 49, 3-25-1987; amd. Ord. 78, 3-13-1995)

9-7A-4: APPLICATION AND INTERPRETATION OF PROVISIONS:

- A. **Lands To Which This Chapter Applies:** This chapter shall apply to all areas of the BD district within the jurisdiction of the county.
- B. **Basis For Establishing Areas Of BD District:** The area encompassing the BD district is defined in other portions of this chapter. (Ord. 78, 3-13-1995)
- C. **Abrogation And Greater Restrictions:** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlay, whichever imposes the more stringent restrictions shall prevail. (Ord. 49, 3-25-1987)

- D. **Warning And Disclaimer Of Liability:** The degree of protection afforded by the EHC and ICP applicable to the BD district is based on scientific and engineering considerations. This chapter shall not create liability on the part of the county, an officer or employee thereof or the Panhandle health district I for any claims that result or arise from reliance upon this chapter or the EHC or ICP or any administrative decision lawfully made thereunder. (Ord. 78, 3-13-1995)

9-7A-5: ADMINISTRATION OF PROVISIONS:

- A. **Administrative Authority:** Administration of the development, activities and uses within the BD district, to the extent the same are controlled by the environmental health code and the institutional control program, shall be monitored and enforced by and be the responsibility of Panhandle health district I pursuant to its duly and properly enacted rules and regulations.
- B. **Compliance Required:** In addition to complying with any regulations otherwise applicable to the area within the BD district, any development, uses or activities occurring within such district shall also comply with the requirements of the environmental health code and institutional control program developed for the BD district.
- C. **ICP Permit:** In addition to any other permits and/or certificates required by this chapter, an ICP permit shall be obtained from Panhandle health district I prior to commencement of any work or activities in the BD district which are subject to the environmental health code and institutional control program. (Ord. 78, 3-13-1995)

9-7A-6: VARIANCE AND APPEAL PROCEDURE:

- A. **Appeal:** When it is alleged there is an error in any requirements, decision, or determination made by the county engineer in the enforcement or administration of this chapter, an appeal may be submitted to the county planning and zoning commission. Those aggrieved by the decision of the planning commission may appeal such decision in accordance with the requirements of section 9-15-3 of this title.
- B. **Variance:** Procedures for variance shall be in conformity with chapter 15 of this title. (Ord. 49, 3-25-1987)



CHAPTER 8

PERFORMANCE STANDARDS

SECTION:

- 9-8-1: Purpose
- 9-8-2: Supplemental Yard And Height Regulations
- 9-8-3: Supplemental General Provisions
- 9-8-4: Provisions For Commercial And Industrial Uses
- 9-8-5: Unique Land Uses

9-8-1: **PURPOSE:** The purpose of performance standards is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered. (Ord. 15, 7-11-1977)

9-8-2: **SUPPLEMENTAL YARD AND HEIGHT REGULATIONS:** In addition to all yard regulations specified in section 9-6-2 of this title, and in other sections of this title, the following provisions shall be adhered to:

- A. **Visibility At Intersections:** On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet ($2\frac{1}{2}'$) and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along such street right-of-way lines twenty five feet (25') from the point of intersection.
- B. **Yard Requirements For Multi-Family Dwellings:** Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front, one rear and two (2) side yards as specified for dwellings in the appropriate district. (Ord. 15, 7-11-1977)

C. Yard Requirements For Nonresidential Uses:

1. All uses with commercial and manufacturing districts:

- a. Front Yard: Forty feet (40').
- b. Rear Yard: Zero.
- c. Side Yard: Zero.
- d. Street Side Yard: Ten feet (10').

2. Where a commercial or manufacturing district abuts a residential district, the building setback shall be forty feet (40') at the property line of the abutting district.

3. All Other Nonresidential Uses:

- a. Front Yard: Forty feet (40').
- b. Rear Yard: Ten feet (10').
- c. Side Yard: Ten feet (10').
- d. Street Side Yard: Twenty feet (20'). (Ord. 33, 5-4-1983)

D. Architectural Projections: Open structures such as canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered part 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 section 9-6-2 of this title 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. (Ord. 15, 7-11-1977)

9-8-3: **SUPPLEMENTAL GENERAL PROVISIONS:** In addition to all other regulations as specified in this title, the following provisions shall be adhered to:

- A. **Conversion Of Dwelling To More Units:** A residence may not be converted to accommodate an increased number of dwelling units unless:
1. **Yard Dimensions:** The yard dimensions shall meet the yard dimensions required by this title for new structures in that district.
 2. **Lot Area:** The lot area per family equals the lot area requirements for new structures.
 3. **Floor Area:** The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
 4. **Compliance:** The conversion is in compliance with all other relevant codes and ordinances.
- B. **Temporary Buildings:** Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work 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:** Title 4, chapter 1 of this code proclaims the following to be a public nuisance: any automobile body which is not properly and currently licensed and it is not in operating condition or has not been used for a period of six (6) months or more, whether left on public or private property and which is offensive to the sight of the community or neighborhood or to persons passing by on a public thoroughfare.
- D. **Required Trash Areas:** All trash and/or garbage collection areas for commercial, industrial and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or fence of at least four feet (4') in height or within an enclosed building or trash and/or garbage collection dumpster. Adequate vehicular access to and from such area for collection of trash and/or garbage as determined by the administrator shall be provided.
- E. **Development Close To Airport:** The location, building height and lighting of residential and commercial development shall be restricted within airport approach areas as required by the State Department of Transportation, Division of Aeronautics and Public

Transportation, and Federal Aviation Administration. (Ord. 15, 7-11-1977)

9-8-4: 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 objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits are 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 firefighting and fire prevention equipment. 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 as adopted by the state.
- 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 discernable without the use of vibration detection 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 will carry objectionable substances onto neighboring properties.
- 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 giving zoning approval, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- J. **Measurement Procedures:** Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States Bureau of Mines and the health authority. (Ord. 15, 7-11-1977)

9-8-5: **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 title: (Ord. 15, 7-11-1977)

- A. **Accessory Building: (Reserved) (Ord. 33, 5-4-1983)**
- B. **Agriculture (Buffer Area):** Will be maintained to minimize soil erosion, sedimentation, contamination and nutrient enrichment of ground and surface water.
- C. **Animal Clinic, Animal Hospital, Veterinary Office And Kennel:**
 1. **Location:** Will be located at least three hundred feet (300') 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 soundproof structures that completely screen them from view of the abutting residential property.
 2. **Compliance Required; Housekeeping Practices:** 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.

D. Animal Commercial Feedlots, Meat Packing, Processing Plant, And Slaughterhouse Facilities:

1. Location; Setback: Will be located, when housing animals, feedlot or holding pens, not less than six hundred feet (600') from any residence, except for an owner's residence. Such facilities shall have a minimum setback of thirty feet (30') from any property line.

2. Design: 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.

3. Housekeeping Practices: Will be adequately maintained with housekeeping practices subject to the health authority requirements as to the elimination of waste materials and the maintenance of water quality control.

E. Bulk Storage Of Flammable Liquids And Gases And Explosive Materials Aboveground And For Resale:

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

2. Fire Official Approval: Will be erected subject to the approval of the appropriate fire official.

3. Loading/Unloading Spaces; Off-Street Parking: Will have suitable loading and unloading spaces and off-street parking facilities subject to the approval of the appropriate fire official. (Ord. 15, 7-11-1977)

F. Campgrounds:

1. Interior Access Roads: Interior access roads shall connect to a road maintained by a public entity. Interior access roads will be constructed to standards established by the planning and zoning commission upon approval of a conditional use permit and will be privately maintained.

2. Campsites: Campsites shall be located on well-drained areas and shall be properly graded to prevent accumulation of storm water.

3. Exposed Ground Surfaces: Exposed ground surfaces (other than interior roads and defined campsites) shall be protected with a cover

of vegetative growth that is capable of providing dust abatement and preventing soil erosion.

4. Water Supply: Shall supply adequate water safe for drinking and domestic use in accordance with state and local health authorities with a minimum of one water supply outlet within three hundred feet (300') of each campsite.

5. Sewage Disposal Facilities: Shall provide sewage disposal facilities (at a minimum, sealed vault privies) acceptable to state and local health authorities. Such toilet areas shall be located not less than fifty feet (50') or more than three hundred feet (300') from a campsite. There shall be a minimum of one toilet for each sex for every ten (10) campsites.

6. Refuse Containers: Refuse containers (minimum 32 gallon capacity) with lids shall be provided and maintained for every four (4) campsites.

7. Litter And Rubbish; Fire Extinguisher: All areas in the campground shall be kept free of litter, rubbish, and other flammable materials. At least one five (5) pound dry chemical portable fire extinguisher shall be installed and maintained in the campground office.

8. Contained Campfire Area: Each campsite shall be provided with a contained campfire area. Containment method shall be approved by the planning and zoning commission.

9. Maintenance; Campground Rules: All areas in the campground shall be maintained in a clean, orderly and sanitary condition at all times. Campground rules in accordance with these regulations shall be posted. (Ord. 50, 5-22-1987)

G. Hazardous Substances: Chemicals, pesticide, fertilizer storage and manufacturing will have adequate fire protection, storage area, handling and disposal as approved by the appropriate fire official.

H. Contractor's Yard (i.e., Road, Housing, Anything With Heavy Equipment):

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

2. Screening: Will have a screening fence around areas utilized for storage of equipment.

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

I. Drive-In Restaurant:

1. Fencing; Landscaping: 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. Sight-Obscuring Fence: Will have a six foot (6') high sight-obscuring fence along the property lines that adjoin a residence.

3. Trash Receptacles: Will provide for adequate trash receptacles.

4. Lighting: Will avoid the directing of night lighting toward any residence.

J. Filling, Grading, Lagooning, Dredging Or Other Earth Moving Activity:

1. Bare Ground Exposure: The smallest amount of bare ground shall be exposed for the shortest time feasible.

2. Temporary Ground Cover: Provide temporary ground cover, such as mulch.

3. Sedimentation: Use diversions, silting basins, terraces and other methods to trap sediment.

4. Lagooning: Provide lagooning in such a manner as to avoid conditions which will create fish traps.

5. Restriction Of Drainageways: A floodway, channel or natural drainageway shall not be restricted.

6. Stabilization: Construct and stabilize sides and bottom of cuts, fills, channels and artificial watercourses to prevent erosion or soil failure.

7. Below-Grade Excavation: Below-grade excavation shall not occur, except for drainageways, within fifty feet (50') of any lot line or public right of way.

8. Restoration: Topsoil or loam will be restored to its existing natural condition.

K. Gravel Pits, Rock Quarries, Sand And Clay Pits And Other Natural Resources Of Commercial Value:

1. The extent and method of rehabilitation shall be determined in advance of giving a zoning approval with due consideration given to what is suitable and compatible with the surrounding area.

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

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

L. Home Occupation:

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

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

3. Outside Appearance; Sign: 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 sign, not exceeding four (4) square feet in area, nonilluminated and mounted flat against the wall of the principal building.

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

5. Equipment Or Process Restrictions: No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences 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. (Ord. 15, 7-11-1977)

M. Mobile Home Park:

1. **Unit Size:** Each mobile home unit shall be provided the exclusive use of a contiguous area of land of not less than five thousand (5,000) square feet. Individual driveways and parking spaces and utility easements may be included within the five thousand (5,000) square foot area. Interior park drives, public street rights of way, and common areas used for parking or other park purposes are excluded from the five thousand (5,000) square feet per unit area requirement.

2. **Units Numbered:** Each mobile home space or stall shall be numbered. Numbers shall be clearly visible from park interior drives.

3. **Interior Spacing:** All mobile home units shall be located a minimum distance of twenty five feet (25') from any exterior park property line. Accessory buildings shall be located at least ten feet (10') from a mobile home unit.

a. **Within Fire Protection District:** Mobile home parks located within a fire protection district shall require that mobile home units be located not less than fifteen feet (15') from any other mobile home or permanent structure within the mobile home park.

b. **Not Within Fire Protection District:** Mobile home parks not within the jurisdiction of a fire protection district shall require that mobile home units be located not less than twenty five feet (25') from any other mobile home or permanent structure within the mobile home park.

Minimum distance between mobile homes shall be measured from two (2) points being a straight line between the closest points of the units being measured.

4. **Access:**

a. **Interior Park Drives:** Each mobile home stall or space within a mobile home park shall have direct access to an interior park drive and shall not have individual access to a public right of way. Interior

park drives shall consist of a minimum of twenty feet (20') of unobstructed area with at least a four inch (4") gravel surfacing at least twenty feet (20') in width. Interior park drives shall be marked to provide continuous traffic flow.

b. Exterior Access Or Approach Points: All access or approach points from interior park drives shall have direct connection to a major public street and shall not enter into or upon local single-family area streets when another alternative is feasible. Interior park drives will connect to a public street which will adequately serve the mobile home park as determined by the planning and zoning commission on advise of the county engineer. The number and location of all ingress and egress points for access to the mobile home park shall be approved by the planning and zoning commission on advise from the county engineer.

5. Lighting: Interior drives and walkways designed for the use of the mobile home park residents shall be adequately lighted during hours of darkness.

6. Off-Street Parking; Storage Areas: Each mobile home unit shall be provided with a minimum total of four hundred (400) square feet of off-street parking space. One parking space of two hundred (200) square feet shall be located within fifty feet (50') of each unit. One space may be located elsewhere in the park. Storage of items such as boats, trailers, and campers shall not be accomplished at the site of the mobile home unit. Storage areas may be provided in separate screened areas within or adjacent to the mobile home park. Storage areas shall not be included within the four hundred (400) square feet of off-street parking space provided for each mobile home unit.

7. Provided Services: Each mobile home stall or space shall be provided with utility connections, ground anchors, piers or pads, and stabilizing connections of sufficient size to properly accommodate the mobile home unit in accordance with manufacturer's specifications and code requirements. All mobile homes within the park shall be skirted.

8. Landscaping: Landscaping in the mobile home park shall be provided in accordance with the following minimum requirements:

a. Peripheral Screening: Trees or shrubs a minimum of six feet (6') high spaced at a maximum of ten feet (10') on center; or other suitable sight-obstructing screen or fence.

b. Lawn; Ground Cover: Lawn or other suitable ground cover shall be provided for all open spaces other than access drives and parking and circulation areas.

9. Water And Sewer: Centralized water, waste water disposal, and solid waste facilities shall be provided in accordance with regulations set forth by the appropriate state and local authorities.

10. Fire Protection: Compliance with the standards of the appropriate fire protection agency shall be required for mobile home parks within the respective jurisdictions.

11. Surface Water Runoff: Control of surface water runoff will be provided to confine all runoff to the property or to drainage facilities within public rights of way.

12. Maintenance Agreement: A maintenance agreement, acceptable to the county, shall be provided to assure the continued operation and maintenance of interior drives, utilities, landscaping, and solid waste management. The park owner will be responsible for the provision of a suitable guarantee that the park will be constructed within a two (2) year time period in accordance with standards set forth by the planning and zoning commission. (Ord. 27, 9-9-1981)

N. Outdoor Storage Of Commercial And Industrial Materials:

1. Screening: Will be screened from view from any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alley or street.

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

O. Riding Stables And Schools:

1. Location: Will locate all stables or loafing sheds not nearer than one hundred feet (100') from any residence, except for an owner's residence. All facilities shall be set back a distance of thirty feet (30') from any property line.

2. Design: Will be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties, as to the storage of horse trailers and the factors of noise and odor.

3. Housekeeping Practices: 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.

P. Outdoor Rifle And Pistol Range:

1. Backstop: Will be designed with a backstop.

2. Line Of Fire: Will be designed to avoid a line of fire that is directed towards any residence or business within one mile.

3. Landscaping: Will incorporate landscaping that is compatible with the surrounding landscaping.

4. Supervision And Security: Will provide supervision and security measures during periods of use.

Q. Sanitary Landfill:

1. Time Limits: Will conform to time limits for daily operations as defined by the board.

2. Bond: Will provide a bond, for privately owned sites, to ensure compliance with the provisions of the zoning approval.

3. Paved Access: Will provide for a paved street to the facility.

4. Supervision: Will be supervised during the hours of operation.

R. Wrecking Yard: Will comply with title 3, chapter 3 of this code. (Ord. 15, 7-11-1977)

S. Bunker Hill Superfund Overlay District:

1. Administrative Authority: Administration of the development, activities and uses within the BD district, to the extent the same are controlled by the environmental health code and the institutional control program, shall be monitored and enforced by and be the responsibility of Panhandle Health District I pursuant to its duly and properly enacted rules and regulations.

2. Compliance Required: In addition to complying with any regulations otherwise applicable to the area within the BD district, any development, uses or activities occurring within such district shall also comply with the requirements of the environmental health

code and the institutional control program developed for the BD district.

3. ICP Permit: In addition to any other permits and/or certificates required by this title, an ICP permit shall be obtained from Panhandle Health District I prior to commencement of any work or activities in the BD district which are subject to the environmental health code and institutional control program. (Ord. 78, 3-13-1995)

CHAPTER 9
CONDITIONAL USE PERMITS

SECTION:

- 9-9-1: General Provisions
- 9-9-2: Application
- 9-9-3: General Standards
- 9-9-4: Public Sites And Open Spaces
- 9-9-5: Supplemental Conditions And Safeguards
- 9-9-6: Hearing; Notice
- 9-9-7: Action By Commission
- 9-9-8: Notification To Applicant
- 9-9-9: Appeal To Board

9-9-1: GENERAL PROVISIONS:

- A. Individual Consideration: It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually.
- B. Hearing Required: The commission shall hold a public hearing on each conditional use permit application as specified in section 9-6-2 of this title. The commission may approve, conditionally approve or deny a conditional use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this title. (Ord. 15, 7-11-1977)

9-9-2: APPLICATION: An application for conditional use permit shall be filed with the administrator by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Zoning district.
- E. Description of proposed special use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed conditional use meets the intent and requirements of this title.
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan. (Ord. 15, 7-11-1977)

9-9-3: **GENERAL STANDARDS:** The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will, in fact, constitute a conditional use as established in section 9-6-2 of this title for the zoning district involved.
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or this title.
- C. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.

- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor.
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- I. Will not result in the destruction, loss, or damage of a natural scenic or historic feature of major importance. (Ord. 15, 7-11-1977)

9-9-4: **PUBLIC SITES AND OPEN SPACES:** Shall conform to the following:

- A. **Public Uses:** Where it is determined that a proposed park, playground, school or other public use as shown on the future acquisition map, as authorized in Idaho Code section 67-6517, is located in whole or in part within a proposed development, the commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration of the permit for sixty (60) days; however, if an agreement is not reached within sixty (60) days, the commission shall resume consideration of the conditional use application.
- B. **Natural Features:** Existing natural features which add value to residential developments and enhance the attractiveness of the community (such historic spots and other similar irreplaceable assets) shall be preserved in the design of the development.
- C. **Special Developments:** In the case of planned unit developments and large scale developments, the commission may require sufficient park or open space facilities of acceptable size, location and site

characteristics that may be suitable for the proposed development.
(Ord. 15, 7-11-1977)

9-9-5: **SUPPLEMENTAL CONDITIONS AND SAFEGUARDS:** In granting any conditional use, the commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this title. (Ord. 15, 7-11-1977)

9-9-6: **HEARING; NOTICE:** Notice shall also be provided to property owners within the land being considered, and within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners, in lieu of mailing notice, two (2) additional hearing notices shall be provided. (Ord. 52, 10-1-1987)

9-9-7: **ACTION BY COMMISSION:**

- A. Commission Action: Within thirty (30) days after the public hearing, the commission shall either approve, conditionally approve, or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the administrator to issue a conditional use permit listing the specific conditions specified by the commission for approval.
- B. Additional Conditions: Upon granting a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:
1. Minimizing adverse impact on other development;
 2. Controlling the sequence and timing of development;
 3. Controlling the duration of development;
 4. Assuring that development is maintained properly;
 5. Designating the exact location and nature of development;

6. Requiring the provision for on-site or off-site public facilities or services;
 7. Requiring more restrictive standards than those generally required in an ordinance.
- C. **Studies; Precedent; Transferability:** Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferrable from one parcel of land to another.
- D. **Specifications Of Action:** Upon granting or denying an application, the commission shall specify:
1. The ordinance and standards used in evaluating the application;
 2. The reasons for approval or denial; and
 3. The actions, if any, that the applicant could take to obtain a permit.
- E. **Appeal:** The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the board, in writing, provided the appeal is submitted to the board within fifteen (15) days from the commission's action. (Ord. 15, 7-11-1977)

9-9-8: **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. (Ord. 15, 7-11-1977)

9-9-9: **APPEAL TO BOARD:** Upon receipt of a written appeal from the action of the commission, the board 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 of the commission. The board shall only overrule the commission by a favorable two-thirds ($\frac{2}{3}$) vote. (Ord. 15, 7-11-1977)

5

5

5

5

5

CHAPTER 10

PLANNED UNIT DEVELOPMENTS (PUD)

SECTION:

- 9-10- 1: Purpose
- 9-10- 2: Governing Provisions
- 9-10- 3: Minimum Area
- 9-10- 4: Permitted Uses
- 9-10- 5: Ownership Requirements
- 9-10- 6: Common Open Space
- 9-10- 7: Utility Requirements
- 9-10- 8: Increased Residential Density
- 9-10- 9: Commercial Uses
- 9-10-10: Industrial Uses
- 9-10-11: Procedure For Approval
- 9-10-12: Preapplication Meeting
- 9-10-13: Application For Approval Of Preliminary Development Plan
- 9-10-14: Public Notice
- 9-10-15: Approval In Principle
- 9-10-16: Application For Approval Of Final Development Plan
- 9-10-17: Recommendation By Commission
- 9-10-18: Action By Board
- 9-10-19: Expiration Or Extension Of Approval

9-10-1: **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 setbacks, 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 unplanned development.
- E. A development pattern in harmony with land use density, transportation facilities, and community facilities which are objectives of the comprehensive plan. (Ord. 15, 7-11-1977)

9-10-2: **GOVERNING PROVISIONS:** Whenever there is a conflict or difference between the provisions of this chapter and those of the other chapters of this title, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this title. (Ord. 15, 7-11-1977)

9-10-3: **MINIMUM AREA:** A planned unit development for the following principal uses shall contain an area of not less than:

- A. Three (3) acres for residential development.
- B. Five (5) acres for residential use with subordinate commercial or industrial uses.
- C. Ten (10) acres for commercial use.
- D. Ten (10) acres for industrial use. (Ord. 15, 7-11-1977)

9-10-4: **PERMITTED USES:** 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; that

- A. The uses are appropriate with the residential uses.
- B. The uses are intended to serve principally the residents of the PUD.
- C. The uses are planned as an integral part of the PUD.

- D. 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.
- E. A minimum of fifty percent (50%) of the residential development occurs prior to the development of the related commercial or industrial land uses. (Ord. 15, 7-11-1977)

9-10-5: OWNERSHIP REQUIREMENTS:

- A. **Time Of Application:** 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 planned unit development. The PUD application shall be filed in the name or names of the recorded owner of property included in the development. However, the application may be filed by the holder of an equitable interest in such property.
- B. **Time Of Final Development Plan Approval:** 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. (Ord. 15, 7-11-1977)

9-10-6: COMMON OPEN SPACE:

- A. **Minimum Required:** A minimum of ten percent (10%) of the gross land area developed in any residential planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- B. **Ownership:** The required amount of common open space land reserved under a planned unit development 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, recreation, and related uses. Public utility and similar easements and rights of way for watercourses 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.

- C. **Maintenance:** The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
- D. **Design:** Every property developed under the planned unit development 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. (Ord. 15, 7-11-1977)

9-10-7: **UTILITY REQUIREMENTS:** Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. 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 planned unit development. (Ord. 15, 7-11-1977)

9-10-8: **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 for 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 5 percent), streetscape, open spaces and plazas, use of existing landscaping, pedestrianway treatment, and recreational areas.
- B. **Siting** (a maximum increase of 5 percent), visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern; physical environment, variation in building setbacks, and building grouping (such as clustering).
- C. **Design features** (a maximum increase of 5 percent), street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features, and varied use of housing types. (Ord. 15, 7-11-1977)

9-10-9: COMMERCIAL USES:

- A. **Groups; Common Areas; Screening:** When planned unit development districts may 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. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.
- B. **Design:** 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 noncommercial areas.
- C. **Future Expansion:** 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. (Ord. 15, 7-11-1977)

9-10-10: INDUSTRIAL USES:

- A. **Permitted:** Planned unit development districts may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.
- B. **Design:** 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 a 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.
- C. **Yard Requirements:** Project site yards of forty feet (40') and a rear yard of fifty feet (50') shall be required if the project is located adjacent to any residential uses. All intervening spaces between buildings, driveways, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times. (Ord. 15, 7-11-1977)

9-10-11: **PROCEDURE FOR APPROVAL:** When the PUD also qualifies as a subdivision, the processing of the special use permit and subdivision application shall occur at the same time. The granting of a special use permit for a PUD shall require a preapplication, the submission of a preliminary development specified within this title. (Ord. 15, 7-11-1977)

9-10-12: **PREAPPLICATION 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 title and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, this title and title 10 of this code, and such other plans and ordinances as deemed appropriate. (Ord. 15, 7-11-1977)

9-10-13: **APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN:**

- A. Filing: An application for preliminary planned unit development shall be filed with the administrator by a property owner or person having existing interest in the property for which the planned unit development is proposed.
- B. Required Information: At a minimum, the application shall contain the following information filed in triplicate:
1. Name, address and phone number of applicant.
 2. Name, address and phone number of registered surveyor, registered engineer and/or urban planning assisting in the preparation of the preliminary development plan.
 3. Legal description of property.
 4. Description of existing use.
 5. Zoning districts.
 6. 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

planned unit development to the comprehensive plan and to existing schools and to the other community facilities and services.

7. A preliminary development plan at a scale approved by the commission showing topography at two foot (2') intervals; location and type of residential, commercial and industrial land uses; layout dimensions, and names of existing and proposed streets; rights of way; dimensions of lots and building setback lines; preliminary improvement of drawings showing water, sewer, drainage, electricity, telephone and natural gas; and such other characteristics as the commission deems necessary.

8. Proposed schedule for the development of the site.

9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within one year.

C. **Written Statement:** The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth reasons why, in his opinion, the planned unit development would be in the public interest. (Ord. 15, 7-11-1977)

9-10-14: **PUBLIC NOTICE:** The same provision for public hearing and legal notification as required for conditional use permits shall be followed¹. (Ord. 15, 7-11-1977)

9-10-15: **APPROVAL IN PRINCIPLE:**

A. **Commission Review:** 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 title; 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 not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

1. See section 9-9-6 of this title.

- B. Considerations: The commission shall consider the general standards applicable to conditional use permits and criteria for conditional uses before approving in principle a preliminary development plan¹. (Ord. 15, 7-11-1977)

9-10-16: **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 property owner or person having a presently existing interest in the property for which the planned unit development 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 development shall begin within one year from the date of issuance of the approval. At a minimum, the application shall contain the following information: (Ord. 15, 7-11-1977; amd. 2001 Code)

- A. Survey: 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. Required Information: All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity; and land use considered suitable for adjacent properties.
- C. Schedule Of Development: A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number 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: Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage,

1. See sections 9-9-3 and 9-9-4 of this title.

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: Site plan, showing buildings, various functional use areas, circulation, and their relationship.
- F. Preliminary Building Plans: Preliminary building plans, including floor plans and exterior elevations.
- G. Landscaping: Landscaping plans.
- H. Deed Restrictions; Protective Covenants: 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. (Ord. 15, 7-11-1977)

9-10-17: RECOMMENDATION BY COMMISSION:

- A. Commission Recommendation; Transmittal To Board: Within sixty (60) days after receipt of the final development plan, the commission shall recommend to the board that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The commission shall then transmit all papers constituting the record and the recommendations to the board. (Ord. 15, 7-11-1977; amd. 2001 Code)
- B. Facts Established: The commission shall find that the facts submitted with the application and presented to them establish; that
 1. Initiation Of Development: The proposed development will be initiated within one year of the date of approval.
 2. Independency: 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.
 3. Streets And Thoroughfares: 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 planned unit development.

4. Commercial Development: Any proposed commercial development can be justified at the locations proposed.

5. Exceptions: Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the planned unit development and the adopted policy of the board.

6. Surrounding Area: The area surrounding such development can be planned and zoned in coordination and substantial compatibility with the proposed development.

7. Comprehensive Plan: The planned unit development is in general conformance with the comprehensive plan.

8. Utility Services: The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

C. Notice Of Recommendation: The commission shall notify those persons who either commented in writing or in person at the public hearing of the commission's recommendations. (Ord. 15, 7-11-1977)

9-10-18: **ACTION BY BOARD:**

A. Board Action: Within sixty (60) days after receipt of the final recommendation of the commission, the board shall either approve, approve with supplementary conditions, or disapprove the application as presented.

B. Specifications Of Action: Upon granting or denying the application the board shall specify:

1. The ordinance and standards used in evaluating the application;

2. The reasons for approval or denial; and

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

9-10-18

9-10-19

- C. Issuance Of Approval: If the application is either approved or approved with conditions, the board shall direct the administrator to issue zoning approval only in accordance with the approved final development plan and the supplementary conditions attached thereto. (Ord. 15, 7-11-1977)

9-10-19: **EXPIRATION OR EXTENSION OF APPROVAL:** The approval of a final development plan for a planned unit development shall be for a period not to exceed one year to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within one year 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. (Ord. 15, 7-11-1977)

1

2

3

4

5

CHAPTER 11

NONCONFORMING USES

SECTION:

- 9-11-1: Intent
- 9-11-2: Incompatibility
- 9-11-3: Undue Hardship
- 9-11-4: Nonconforming Lots Of Record
- 9-11-5: Nonconforming Uses
- 9-11-6: Repairs And Maintenance
- 9-11-7: Uses Under Special Use Provisions

9-11-1: **INTENT:** It is the intent of this title to permit nonconforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconforming 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. (Ord. 15, 7-11-1977)

9-11-2: **INCOMPATIBILITY:** Nonconforming uses are declared by this title to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use shall not be extended or enlarged after passage hereof 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. (Ord. 15, 7-11-1977)

9-11-3: **UNDUE HARDSHIP:** To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date hereof or amendment of this title and upon which actual building construction has been carried on diligently. (Ord. 15, 7-11-1977)

9-11-4: **NONCONFORMING LOTS OF RECORD:** The following shall be exceptions to the required lot areas:

- A. Lots of record with less than the area required by each use district or by an imposed subdistrict which existed prior to the adoption hereof.
- B. Lots or development sites which, as a process of their creation, were approved with substandard area by the commission. (Ord. 15, 7-11-1977)

9-11-5: **NONCONFORMING USES:** If a lawful use involving individual structures or of a structure and land in combination exists at the effective date hereof or amendment of this title that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. **Enlarged; Altered; Moved:** No existing structure devoted to a use not permitted by this title 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. **Extended:** No nonconforming use shall be extended to occupy any additional land area.
- C. **Change In Use:** If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon the issuance of a conditional use permit by the commission, be changed to another nonconforming use provided that the commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the commission may require appropriate conditions and safeguards in accord with other provisions of this title.
- D. **Superseded By Permitted Use:** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed. (Ord. 15, 7-11-1977)
- E. **Discontinued; Abandoned:** When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned

for more than one year (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. (Ord. 121, 9-24-2002)

- F. Removal; Destruction: Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. (Ord. 15, 7-11-1977)

9-11-6: **REPAIRS AND MAINTENANCE:** On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repairs or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent strengthening or restoring to a safe condition of any building or part thereof which is unsafe. Not replaceable if sixty six percent (66%) of the structure is destroyed. (Ord. 15, 7-11-1977)

9-11-7: **USES UNDER SPECIAL USE PROVISIONS:** Any use which is permitted as a special use in a district under terms of this title shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use. (Ord. 15, 7-11-1977)



CHAPTER 12

OFF-STREET PARKING AND LOADING

SECTION:

- 9-12-1: General Requirements
- 9-12-2: Standards
- 9-12-3: Off-Street Parking Design And Dimensional Tables
- 9-12-4: Parking Space Requirements

9-12-1: **GENERAL REQUIREMENTS:**

- A. Compliance Required: No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this title.
- B. Existing Buildings Or Structures: The provisions of this chapter, except where there is a change of use, shall not apply to any existing buildings or structure. Where the new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this title.
- C. Change: Whenever a building or structure constructed after the effective date hereof is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date hereof is enlarged to the extent of fifty percent (50%) or more of any of the following: floor area, number of employees, number of housing units, seating capacity or otherwise, such building or structure shall then and thereafter comply with the full parking requirements set forth herein. (Ord. 15, 7-11-1977)

9-12-2: **STANDARDS:**

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

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

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

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

B. **Loading Space Requirements And Dimensions:**

1. **Number Required:** Off-street loading spaces for commercial uses shall be provided in accordance with the following table:

<u>Gross Floor Area (Square Feet)</u>	<u>Quantity And Type</u>	
14,000 - 36,000	1	A
36,000 - 60,000	2	A
60,000 - 100,000	3	2-A; 1-B

For each additional 75,000 square feet or fraction thereof, an additional Type B space will be provided.

2. **Size:** The size of an off-street loading space shall not be less than the following, exclusive of access platform and loading areas:

Type A	Width: 12 feet	Length: 35 feet
Type B	Width: 15 feet	Length: 65 feet

3. **Access:** Convenient access to loading spaces from streets or alleys shall be provided; they shall not be less than twelve feet (12') in width.

4. **Location:** The off-street loading facilities required for the uses mentioned shall not project into the public right of way or setback area. In no case shall the required off-street loading berths be part of the area used to satisfy the off-street parking requirements.

5. Entrances; Exits: Design and location of entrances and exits for required off-street loading areas shall be subject to review of the administrator.

- C. Maintenance: The owner of property used for parking and/or loading shall maintain such area in good condition, without holes and free of all dust, trash and other debris.
- D. Paving: The required number of parking and loading spaces as set forth in section 9-12-4 of this chapter, together with driveways, aisles and other circulation areas, shall be improved with such material to provide a durable and reasonably dustfree surface.
- E. Drainage: All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent property or walkways.
- F. Lighting: Any parking area which is intended to be used during nondaylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
- G. Access: Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.
- H. Striping: All parking areas with a capacity over twelve (12) vehicles shall be striped.
- I. Screening And/Or Landscaping:
 - 1. Required: Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence or planting screen.
 - 2. Height: Such fence, wall, or planting screen shall be not less than four feet (4') nor more than six feet (6') in height and shall be maintained in a safe condition.
 - 3. Landscaping: The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential

district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

4. Exception: In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

- J. Wheel Blocks: Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be used to prevent vehicles from extending beyond the property line.
- K. Minimum Distance And Setbacks: No part of any parking area for more than ten (10) vehicles shall be closer than twenty feet (20') to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot. If on the same lot with a single-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four feet (4') to any established street or alley right of way.
- L. Vehicles: Any automobile body which is not properly and currently licensed, and which is not in operating condition, whether left on public or private property for a period of more than one month (30 days), shall be prohibited pursuant to title 4, chapter 1 of this code.
- M. Joint Use: Two (2) or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, providing that a written agreement approved by the administrator shall be filed with the application for a zoning approval. (Ord. 15, 7-11-1977)

9-12-3: OFF-STREET PARKING DESIGN AND DIMENSIONAL TABLES:

	<u>45°</u>	<u>60°</u>	<u>90°</u>	<u>Parallel</u>
A. Width of parking space	13 feet	10 feet	9 feet	9 feet
B. Length of parking space	15 feet	18 feet	19 feet	23 feet
C. Width of driveway aisle	13 feet	17 feet	25 feet	12 feet

(Ord. 15, 7-11-1977)

9-12-4: **PARKING SPACE REQUIREMENTS:** For the purpose of this title the following parking space requirements shall apply:

<u>Type Of Use</u>	<u>Parking Spaces Required</u>
Residential:	
Apartments, or multi-family dwellings	1 ¹ / ₂ each unit
Boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms	1 for each sleeping room or 1 for each permanent occupant
Mobile home park	1 for each unit plus 1 space for each 5 units
Single-family or two-family dwelling	2 for each unit
Commercial:	
Automobile service garages which also provide repair	1 for each 2 gasoline pumps and 2 for each service bay
Funeral parlors, mortuaries and similar type uses	1 for each 100 square feet of floor area in slumber rooms, parlors, or service rooms
Hotels, motels	1 per each sleeping room plus 1 space for each 2 employees
Recreational Or Entertainment:	
Auditoriums, sports arenas, theaters, and similar uses	1 for each 4 seats
Banks, financial institutions and similar uses	1 for each 200 square feet of floor area
Bowling alleys	4 for each alley or lane plus 1 additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use
Dance floors, skating rinks	1 for each 100 square feet of floor area used for the activity

<u>Type Of Use</u>	<u>Parking Spaces Required</u>
Recreational Or Entertainment (cont.)	
Dining rooms, restaurants, taverns, night clubs, etc.	1 for each 100 square feet of floor area
Offices, public or professional administration, or service buildings	1 for each 400 square feet of floor area
Outdoor swimming pools, public	1 for each 5 persons capacity plus 1 or community or club for each 4 seats or 1 for each 30 square feet floor area used for seating purposes whichever is greater
Retail stores	1 for each 250 square feet of floor area
All other types of business or commercial uses permitted in any business district	1 for each 300 square feet of floor area
Institutional:	
Churches and other places of religious assembly	1 for each 5 seats
Hospitals	1 for each bed
Medical and dental clinics	1 for every 200 square feet of floor area of examination, treating room, office and waiting room
Sanitariums, homes for aged, nursing homes, childrens homes, asylums, and similar uses	1 for each 2 beds

(Ord. 15, 7-11-1977)

CHAPTER 13

SIGNS

SECTION:

- 9-13-1: Intent
- 9-13-2: Exclusions
- 9-13-3: General Requirements
- 9-13-4: Permitted Signs
- 9-13-5: Violation

9-13-1: **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. It is intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights of way. (Ord. 15, 7-11-1977)

9-13-2: **EXCLUSIONS:** For the purpose of this title, the term "sign" does not include signs erected and maintained pursuant to and in the discharge of any governmental function, or required by any law, ordinance or governmental regulation. (Ord. 15, 7-11-1977)

9-13-3: **GENERAL REQUIREMENTS:** The regulations contained in this section shall apply to all signs and all use districts.

- A. **Illuminated Sign Or Lighting Device:** 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 constitute a traffic hazard or nuisance.
- B. **Electrical Signs:** All wiring, 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.

- C. Fire Escapes: No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.
- D. Maintenance: All signs hung and erected shall be plainly marked with the name of the person responsible for maintaining the sign.
- E. Unsafe Or Dangerous: Should any sign be or become unsafe or in danger of falling, the owner thereof or the person maintaining the sign shall, upon receipt of written notice from the administrator, proceed at once to put such sign in a safe and secure condition or remove the sign.
- F. Public Right Of Way: No sign shall be placed in any public right of way except publicly owned signs, such as 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.
- G. Interstate, Primary Highways: Signs along the interstate and primary highways shall conform to the Idaho State Transportation Department regulations. (Ord. 15, 7-11-1977)

9-13-4: **PERMITTED SIGNS:** The following signs may be permitted: political signs, provided 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 such sign be posted on a utility pole. 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 two (2) weeks following the general election day. (Ord. 15, 7-11-1977)

9-13-5: **VIOLATION:**

- A. Notice Of Violation: In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this title, the administrator shall notify in writing the owner or lessee thereof to alter such sign to comply with this title.

- B. Political Signs: Political signs posted in violation of this title are subject to removal by the administrator five (5) days after written notice of violation. The cost of removal shall be born by the violator. (Ord. 15, 7-11-1977)



CHAPTER 14

MANUFACTURED HOMES¹

SECTION:

- 9-14-1: Siting
- 9-14-2: Mobile Home Parks
- 9-14-3: Restrictive Covenants
- 9-14-4: Placement Standards
- 9-14-5: Building Permit

9-14-1: **SITING:** "Manufactured homes", as defined in Idaho Code section 39-4105(13) shall be an allowed use in all land zoned for single-family residential uses except for lands falling within an area defined as an "historic district" under section 67-4607, Idaho Code. (Ord. 114, 11-17-1998)

9-14-2: **MOBILE HOME PARKS:** Manufactured homes on individual lots zoned for single-family residential uses as provided in section 9-14-1 of this chapter shall be in addition to manufactured homes on lots within designated mobile home parks or manufactured home subdivisions. (Ord. 114, 11-17-1998)

9-14-3: **RESTRICTIVE COVENANTS:** This chapter shall not be construed as abrogating a recorded restrictive covenant. (Ord. 114, 11-17-1998)

9-14-4: **PLACEMENT STANDARDS:** The following placement standards for the approval of manufactured homes located outside manufactured home parks are hereby adopted: (Ord. 114, 11-17-1998)

1. See sections 9-4-2 and 9-4-4 through 9-4-7 of this title for regulations regarding single-family residential districts.

- A. **Minimum Size:** The manufactured home shall enclose a space of not less than one thousand (1,000) square feet. (Ord. 121, 9-24-2002)
- B. **Foundation; Skirting:** The manufactured home shall be placed on an excavated and backfilled foundation meeting UBC requirements and enclosed at the perimeter such that the home is located not less than twelve inches (12") above grade. Skirting shall be constructed of either masonry or similar materials used for foundation materials in the neighborhood (no metal or plastic materials shall be allowed).
- C. **Roof:** The manufactured home shall have a pitched roof with a minimum slope of three feet (3') in height for each twelve feet (12') in width.
- D. **Exterior Siding And Roofing:** The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the planning administrator. (Ord. 114, 11-17-1998)
- E. **Compliance Required:** A manufactured home shall comply with all other zoning requirements, including, but not limited to, setback, density, and dimensional requirements as specified in this title and shall comply with setting requirements conforming to the Idaho manufactured home installation standards. (Ord. 114, 11-17-1998; amd. Ord. 121, 9-24-2002)
- F. **Towing Apparatus:** The tongue, axles, transporting lights, and removable towing apparatus shall be removed prior to occupancy. (Ord. 114, 11-17-1998)

9-14-5: **BUILDING PERMIT:** A building permit shall be obtained from the building department to ensure the manufactured home meets stabilizing requirements as set forth in title 44 chapter 22, manufactured home setup code. (Ord. 114, 11-17-1998)

CHAPTER 15

VARIANCE AND APPEAL PROCEDURES

SECTION:

- 9-15-1: Authority
9-15-2: Variance
9-15-3: Appeals

9-15-1: **AUTHORITY:**

- A. **Planning And Zoning Commission:** The planning and zoning commission shall consider requests for variances from the terms of this title and actions by affected persons as provided by Idaho Code section 67-6521.
- B. **Board Of County Commissioners:** The board of county commissioners shall consider requests for public hearing to appeal planning and zoning commission decisions before the board as outlined herein and actions by affected persons as may be authorized by Idaho Code 67-6521.
- C. **Notice Of Hearing:** Notice of hearing on actions by affected persons shall be as provided in section 9-9-6 of this title. (Ord. 23, 4-1-1981)

9-15-2: **VARIANCE:**

- A. **Authority To Authorize:** The commission may authorize, in specific cases, a variance or modification of the requirements of this title as to lot size, lot coverage, lot width or depth, yard or setback requirements, parking space, height of buildings, or other title provisions affecting the size or shape of a structure or the placement of the structure upon the lot, or the size of the lot.
- B. **Undue Hardship:** A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon

showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

- C. Application; Fees: A variance from dimensional requirements set forth in this title shall not be considered by the planning and zoning commission until applicable fees have been paid and written application, containing the following information, has been received by the administrator and determined to be complete:
1. Name, address, and telephone number of applicant.
 2. Legal description of affected property.
 3. Description or nature of the variance requested.
 4. A narrative statement demonstrating that the strict application of this title would deprive the applicant of rights commonly enjoyed by other properties under the same district classification.
 5. A plot plan showing lot dimensions and size of site, location of existing and proposed structures, distance of structures to property lines, demonstration of variance.
 6. The names and mailing addresses of all property owners whose land lies adjacent or contiguous to the boundaries of the property involved in the request. (Ord. 23, 4-1-1981)
- D. Hearing; Notice:
1. Required: Upon receipt of the application for variance, the commission shall hold at least one public hearing.
 2. Notice Of Hearing: At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice shall also be provided to the property owners or residents within the land being considered, and to property owners adjoining the parcel under consideration. (Ord. 23, 4-1-1981; amd. Ord. 52, 10-1-1987)
- E. Action By Commission: Upon review of the variance application and evidence presented at public hearing, the commission shall approve, conditionally approve, or deny the request for variance within fifteen (15) days of the action taken, the commission shall furnish to the applicant a summary of their decision and reasons for such decision.

1. **Additional Conditions; Safeguards:** Upon granting a variance, the commission may prescribe such conditions and safeguards as to ensure that the granted variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and district in which the subject is situated. Failure to comply with prescribed conditions and safeguards shall be deemed a violation of this title.

2. **Specifications Of Action:** Upon granting or denying a variance, the commission or governing board shall specify:

a. The title provisions and standards used in evaluating the application;

b. The reasons for approval or denial;

c. The actions, if any, that the applicant could take to obtain a permit. (Ord. 23, 4-1-1981)

9-15-3: APPEALS:

A. Request For Public Hearing:

1. **Notice Of Appeal:** The applicant or any affected person who appeared, in person or in writing, before the planning and zoning commission may appeal the decision of the planning and zoning commission to the board of county commissioners, provided the appeal is submitted in writing to the board within fifteen (15) days from the planning and zoning commission's action. (Ord. 23, 4-1-1981)

2. **Contents Of Notice; Fee:** Such request shall contain reference to the specific decision contested and shall be accompanied by the fee as set forth on the fee schedule adopted from time to time by resolution of the board of county commissioners, to help defray the cost of legal advertisement and notice. (Ord. 23, 4-1-1981; amd. 2001 Code)

3. **Hearing:** Upon receipt of any such request, the board shall set a date and time, not to exceed thirty (30) days, for a public hearing to consider the planning and zoning commission's decision and the objections thereto.

B. Board Action:

1. Action: At the time of public hearing, the board may uphold or overrule the decision of the planning and zoning commission. The action of the board on an appeal from a decision of the planning and zoning commission shall be final and conclusive unless within sixty (60) days from the date of the action the applicant or affected party makes application to a court of competent jurisdiction for judicial review as provided by Idaho Code.

2. Specifications Of Action: Whenever the board grants or denies a permit, it shall specify:

a. The title provisions 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.

C. Appeal Hearing; Notice: Upon receipt of an appeal, the board shall hold a public hearing and give public notice as required in section 9-9-6 of this title. (Ord. 23, 4-1-1981)

CHAPTER 16
ENFORCEMENT

SECTION:

- 9-16- 1: Zoning Approval, Building Permit Required
- 9-16- 2: Application For Zoning Approval
- 9-16- 3: Zoning Approval
- 9-16- 4: Expiration Of Zoning Approval
- 9-16- 5: Record Of Approval
- 9-16- 6: Failure To Obtain Approval
- 9-16- 7: Construction And Use
- 9-16- 8: Complaints Regarding Violations
- 9-16- 9: Penalty
- 9-16-10: Schedule Of Fees, Charges And Expenses

9-16-1: **ZONING APPROVAL, BUILDING PERMIT REQUIRED:**
Subsection 7-1-3A of this code, as amended from time to time, states no person shall erect, construct, enlarge, alter, approve or convert any building or structure used for human habitation including a garage attached thereto or any building used for commercial or industrial purposes, or any agricultural building, or any public building in an unincorporated area in the county without first obtaining a separate building permit from the county building official for each such building or structure involved. Zoning approval shall be issued only in conformity with the provisions of this title. (Ord. 15, 7-11-1977; amd. Ord. 78, 3-13-1995)

9-16-2: **APPLICATION FOR ZONING APPROVAL:** The application for zoning approval 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 substantial work has not begun within one year. 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 showing the actual dimensions and the shape of the lot to be built upon; the exact size and approximate location of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration.
- G. Building height.
- H. Number of off-street parking spaces or loading berths.
- I. Number of dwelling units.
- J. Proposed sewer and other facilities.
- K. Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this title. (Ord. 15, 7-11-1977)

9-16-3: ZONING APPROVAL:

- A. Action Of Administrator: Within thirty (30) days after the receipt of an application, the administrator shall either approve or disapprove the application in conformance with the provisions of this title. All zoning approvals shall, however, be conditional upon the commencement of work within one year.
- B. Distribution Of Plans:
 - 1. Applicant: One copy of the plan, when required, shall be returned to the applicant by the administrator after the administrator shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.
 - 2. County: One copy of the plan, similarly marked, shall be retained by the administrator.

- C. **Placard:** The administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this title. (Ord. 15, 7-11-1977)

9-16-4: **EXPIRATION OF ZONING APPROVAL:** If the work described in any zoning approval has not begun within one year from the date of issuance thereof, such approval shall expire; it shall be revoked by the administrator; and written notice thereof shall be given to the persons affected. (Ord. 15, 7-11-1977)

9-16-5: **RECORD OF APPROVAL:** The administrator shall maintain a record of all zoning approvals and copies shall be furnished upon request to any person. (Ord. 15, 7-11-1977)

9-16-6: **FAILURE TO OBTAIN APPROVAL:** Failure to obtain a zoning approval shall be a violation of this title. (Ord. 15, 7-11-1977)

9-16-7: **CONSTRUCTION AND USE:** Zoning approvals issued on the basis of plans and applications approved by the administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this title. (Ord. 15, 7-11-1977)

9-16-8: **COMPLAINTS REGARDING VIOLATIONS:** Whenever a violation of this title occurs or is discovered, 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 administrator. The administrator shall properly record such complaint, immediately investigate and take action thereon as provided by this title. (Ord. 15, 7-11-1977)

9-16-9: **PENALTY:**

- A. **Power Of Prosecuting Attorney:** The prosecuting attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this title.

B. **Penalty:** Penalty for failure to comply with, or which violate, the provisions of this title shall be as follows:

1. **Misdemeanor:** Violation of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor. \$300 - 60 day Jail

2. **Continuing Violation:** Each day such violation continues shall be considered a separate offense.

3. **Separate Offense:** The land owner, 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.

4. **Additional Remedies:** Nothing herein contained shall prevent the board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this title or the Idaho Code. (Ord. 15, 7-11-1977)

9-16-10: SCHEDULE OF FEES, CHARGES AND EXPENSES:

A. **Schedule Of Fees:** Reasonable fees shall be paid by any person submitting an application or requesting a public hearing in accordance with the provisions of this title. The schedule of fees cover the costs associated with administration, inspection, publication of notice, and other expenses.

B. **Payment Required:** Until all fees have been paid in full no action shall be taken on any application.

C. **Waiver:** The planning and zoning commission or the board of commissioners, in its discretion, may waive fees or initiate action on any change in a zoning district boundary or in the text of this title without a fee being charged to the applicant. The board of county commissioners may amend the fee schedule as necessary by resolution. (Ord. 113, 6-22-1998)

CHAPTER 17
AMENDMENT

SECTION:

- 9-17-1: Authority
- 9-17-2: Initiation
- 9-17-3: Application
- 9-17-4: Submitted To Commission
- 9-17-5: Public Hearing
- 9-17-6: Recommendation By Commission
- 9-17-7: Action By Board
- 9-17-8: Resubmission

9-17-1: **AUTHORITY:** Whenever the public necessity, convenience, general welfare, or good zoning practices require, the board may, by ordinance, after receipt of recommendation thereon from the commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property. (Ord. 15, 7-11-1977)

9-17-2: **INITIATION:** Amendments to this title may be initiated in one of the following ways:

- A. By adoption of a motion by the commission;
- B. By adoption of a motion by the board; or
- 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. (Ord. 15, 7-11-1977)

9-17-3: **APPLICATION:** Applications for amendments to the official zoning map adopted as part of this title 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 board.
- C. Present land use.
- D. Present zoning district.
- E. Proposed use.
- F. Proposed zoning district.
- G. A vicinity map at a scale approved by the administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the administrator may require.
- H. A list of all property owners and their mailing addresses who are within three hundred feet (300') of the external boundaries of the land being considered.
- I. A statement on how the proposed amendment relates to the comprehensive plan, availability of public facilities and compatibility with the surrounding area.
- J. A fee as established by board. (Ord. 15, 7-11-1977)

9-17-4: **SUBMITTED TO COMMISSION:** Zoning districts shall be amended in the following manner:

- A. **Submission Of Request:** Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested. (Ord. 15, 7-11-1977)
- B. **Conforms To Comprehensive Plan:** If the request is in accordance with the adopted comprehensive plan, the commission may recommend and the board may adopt or reject the ordinance amendment under the notice and hearing procedures provided in chapter 14 of this title and the procedure in sections 9-9-6 through 9-9-9 of this title.
- C. **Nonconformance To Comprehensive Plan:** If the request is not in accordance with the adopted comprehensive plan, the request shall be submitted to the planning and zoning commission or, in its

absence, the board, which shall recommend and the board may adopt or reject an amendment to the comprehensive plan under the notice and hearing procedures provided in section 67-6509, Idaho Code. After the comprehensive plan has been amended, this title be amended as hereinafter provided for. (Ord. 15, 7-11-1977; amd. 2001 Code)

9-17-5: PUBLIC HEARING:

- A. Hearing Required: Prior to granting an amendment to the official zoning map, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held.
- B. Notice:
1. Publication: At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction.
 2. Other Media: Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement.
 3. Written Notice: Notice shall also be provided to property owners within the land being considered, three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed amendment to the zoning map as determined by the commission.
 4. Notice To Over Two Hundred: When notice is required to two hundred (200) or more property owners, in lieu of the mailing notice, two (2) additional hearing notices shall be provided.
- C. Notification And Advertising Procedures: Notification and advertising procedures outlined in Idaho Code section 67-6509 will apply to any proposed change in the text of this title. (Ord. 21, 11-22-1982; amd. Ord. 52, 10-1-1987)

9-17-6: RECOMMENDATION BY COMMISSION: Within sixty (60) days from the receipt of the proposed amendment, the commission shall transmit its recommendation to the board. The commission may recommend that the amendment be granted as requested,

or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with the comprehensive plan and established goals and objectives. (Ord. 15, 7-11-1977)

9-17-7: **ACTION BY BOARD:**

- A. Board Action: The board, at the next official meeting following the receipt of the commission's report, shall consider the recommendation of the commission. The board shall accept the recommendation of the commission's report unless rejected by a majority of the full board.
- B. Specifications Of Action: Upon granting or denying an application the board shall specify:
 - 1. The title provisions and standards used in evaluating the application;
 - 2. The reasons for approval or denial; and
 - 3. The actions, if any, that the applicant could take to obtain a permit.
- C. Passage Of Ordinance: In the event the board shall approve an amendment, such amendment shall hereafter be made a part of this title upon the preparation and passage of an ordinance. (Ord. 15, 7-11-1977)

9-17-8: **RESUBMISSION:** No application for a reclassification of any property which has been denied by the board shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one year from the date of such final action, unless there is an amendment in the comprehensive plan which resulted from a change in conditions as applying to the specific property under consideration. (Ord. 15, 7-11-1977)