City of Island Park
DEVELOPMENT CODE

Planning and Zoning Commission Review
Planning and Zoning Commission public hearing on April 7, 2016
Planning and Zoning Commission recommended approval, as amended, on May 5, 2016
City Council Work Session May 26, 2016 and June 16, 2016
City Council public hearing on July 28, 2016 and adopted by Ordinance No. 16-136, Ordinance No. 16-137 and Ordinance No. 16-138
These ordinances are effective on August 9, 2016
Amended by Ordinance No. 17-142, adopted May 25, 2017, eff. June 2, 2017
Amended by Ordinance No. 18-146, adopted February 22, 2018, eff. March 2, 2018
Development Code fees heard and adopted by Resolution No. 16-44 on July 28, 2016
This fee schedule Resolution is effective August 9, 2016

Previous Version adopted on February 24, 2011 by Ordinance 11-108, as amended, is repealed in its entirety
2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
Table of Contents

Chapter I  Purpose, Authority, and General Provisions ....................... 4
Chapter IA  Preservation of Property Rights .................................. 9
Chapter IB  Vested Rights ...................................................... 10
Chapter IC  Nonconforming Uses and Structures .............................. 10
Chapter ID  Nonconforming Properties ......................................... 11
Chapter IE  Expansion or Extension of a Nonconforming Use or Structure ......................................................... 11

Chapter II  Establishment and Duties of the Decision-Making Bodies... 13

Chapter III  Administrative Procedures, Permits, and Hearings .......... 17
Division 1  Permits Required ................................................... 17
Division 2  Permit Procedures .................................................. 20
Division 3  Appeals ............................................................... 23
Division 4  Reconsideration and Judicial Review ............................. 24
Division 5  Public Notice and Public Hearing Procedures .................. 25
Division 6  Variances ............................................................... 29
Division 7  Property Boundary Adjustment ................................... 30
Division 8  Subdivision ............................................................ 31
Division 8A  Preliminary Plat .................................................... 32
Division 8B  Final Plat .............................................................. 32
Division 8C  Plat Amendments ................................................... 34
Division 8D  Vacation or Partial Vacation of Plats ............................ 34
Division 9  Mediation ............................................................... 35
Division 10  Time Extension of an Approved Development ............... 36
Division 11  Amendment to the Development Code and/or Comprehensive Plan ................................................................. 37
Division 12  Annexation ............................................................. 39
Division 13  Exclusion of Territory (De-Annexation) ......................... 39
Division 14  Development Agreements .......................................... 39
Division 15  Enforcement .......................................................... 40

Chapter IV  Establishment of Zoning Districts ................................. 43

Chapter V  Performance Standards of All Development ..................... 47
Division 1  Absolute and Relative Performance Standards ................. 47
Division 2  Land Use Compatibility ............................................. 48
Division 3  Exterior Lighting ...................................................... 57
Division 4  Sound Levels .......................................................... 68
Division 5  Natural Resources ..................................................... 69
Division 6  Design ................................................................. 68

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
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CHAPTER I - ADMINISTRATIVE PROCEDURES, PERMITS, AND HEARINGS

A. TITLE:

This Ordinance is declared to be and shall hereinafter constitute the official zoning ordinance in accordance with the provisions of Idaho Code §67-6511 of the City of Island Park, Idaho.

B. SHORT TITLE: This ordinance shall be known as the "Development Code", "the Code" or the "Code" of the City of Island Park.

C. PURPOSE: The purpose of this ordinance shall be to promote the health, safety, and general welfare of the people of the City of Island Park and in the City's Area of City Impact by:

1. Carry out the intent, purposes, and requirements of the "Local Land Use Planning Act", Idaho Code §67-6501 et seq., or as hereinafter may be amended;
2. Carry out the intent, purposes, and requirements of Title 50, Chapter 13, "Plats and Vacations", or as hereinafter may be amended;
3. Carry out the policies of the City of Island Park Comprehensive Plan by classifying and regulating the uses of property and structures within the incorporated areas of City of Island Park, and the area of city impact of the City of Island Park as may be negotiated between the City and Fremont County;
4. Promote the health, safety, and general welfare of the people of the City of Island Park;
5. Establish zoning districts within City of Island Park in accord with the adopted applicable comprehensive plan in conformance with Idaho Code §67-6511;
6. Provide standards for the orderly growth and development of City of Island Park and to avoid undue concentration of population and overcrowding of land. As required by Idaho Code §67-6511, such standards include, but are not limited to, those regulating:
   a. The height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures;
   b. Percentage of lot coverage;
   c. Size of courts, yards and open spaces;
   d. Density of population;
   e. Location and use of buildings and structures;
   f. Density of residential dwellings;
g. Density of non-residential building and structures; and
h. Ensure the most appropriate use of properties.

7. Protect private property rights;
8. Provide a method of administration; and
9. Prescribe penalties for violations of regulations hereafter described as authorized by
   the constitution and laws of the state of Idaho.

D. AUTHORITY: This Code is adopted pursuant to the authority granted by the Local Land Use Planning Act established in Title 67, Chapter 65 of the Idaho State Statutes. It includes the zoning ordinance required by Idaho Code §67-6511 and the subdivision ordinance required by Idaho Code §67-6513. It also fulfills the other requirements of the Local Land Use Planning Act, including the provisions for variances required by Idaho Code §67-6516, the adoption procedures for processing permits required by Idaho Code §67-6519, and the adoption of hearing procedures required by Idaho Code §67-6534; Plats and Vacations established in Title 50, Chapter 13 of the Idaho State Statues; and Article 12, Section 2 of the Idaho Constitution.

E. SCOPE AND CONTENT:

1. This ordinance shall consist of the text adopted by Ordinance No. 19-163, and the official zoning maps adopted by Ordinance No 19-163. Copies are available for review at the office of the City Clerk at the City of Island Park City Hall. This ordinance and each and all of its terms are to be read and interpreted in light of the designations of the official zoning maps.

2. Amendments to the official zoning maps ([]) are as follows:

   Ordinance No. 17-145 recognizing Ordinance No. 95-09 (City)
   Ordinance No. 18-148, March 22, 2018 (18-DC-002 IP Hospitality)
   Ordinance No. 18-150, March 22, 2018 (18-DC-004 Ervolina)
   Ordinance No. 18-155, November 8, 2018 (18-DC-005 White)
   Ordinance No. 18-157, November 8, 2018 (18-DC-007 Baker)

F. APPLICABILITY:

The regulations of this ordinance shall apply to all properties within the corporate limits of the City of Island Park and shall govern development and use of those properties.

1. Compliance; Approval Required: No person or public agency shall construct, alter, move, or change the use of a structure or use of a property or undertake any development unless:
   a. The proposed use, structure, or division of property complies with this ordinance;

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b. Any required approval is first obtained as provided by Chapter III of this ordinance, and any applicable conditions of approval are met; or
c. Is exempted by the provisions of subsection (L) of this chapter.

2. Permits Required: Nothing in this title shall eliminate the need for obtaining any other required permits, including, but not limited to, building permits and business licenses, or any permit, approval, or entitlement required by other ordinances of the City of Island Park or other political subdivisions of the state of Idaho, or agencies of the state of Idaho;

3. Unincorporated County Properties: All properties within the Area of City Impact in unincorporated Fremont County shall comply with the regulations of this ordinance or a separate Area of City Impact ordinance, to the extent that one may exist, unless otherwise preempted by federal statute, state law, or local ordinance;

4. Previous Violations: The prosecution of violations under previous land use regulations and that remain a violation under this title shall continue until resolved;

5. Project With Pending Application: All applications shall be processed and reviewed according to the ordinances and comprehensive plans in effect as of the date of application submission; and

6. Approved Projects Not Yet Completed: Any approved application may still be completed as provided for by the approval or by the time limits set forth in this ordinance or any other ordinance of the City of Island Park.

G. INTERPRETATIONS: All code provisions shall be interpreted as the minimum requirements necessary to protect the public health, safety, and general welfare and to implement the Local Land Use Planning Act as established in Title 67, Chapter 65 of the Idaho Statutes, Plats and Vacations as established in Title 50, Chapter 13 of the Idaho State Statutes, and the City of Island Park Comprehensive Plan. This code is designed for consistency with the City of Island Park Comprehensive Plan and shall be liberally construed as achieving that Plan's goals and intent. See Chapter X, Definitions, for rules of interpretation.

H. MOST RESTRICTIVE STANDARDS APPLY:

1. When ordinances, or state or federal law, impose additional standards on activities governed by this ordinance, the most restrictive standard shall apply; and

2. Rules of Interpretation: The City has the discretion to interpret its ordinances and this code and such interpretations shall be made if favor of the City provided such interpretations are not arbitrary and capricious. See Chapter X, Definitions, for rules of interpretation.

I. BURDEN OF PROOF: The burden of proof shall, in all proceedings pursuant to this ordinance, rests with the developer/applicant/appellant.

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J. CONFLICT WITH PRIVATE AGREEMENTS: This ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those adopted here, this ordinance shall apply. The City of Island Park is not a party to any private or restrictive covenant (covenants, conditions, and restrictions (CC&R's)) between private parties and will not interpret or enforce their terms.

1. Repeal Shall Not Revive Any Ordinance: The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby, unless the repealing ordinance specifically revives a previously repealed ordinance.

2. No Relief from Other Provisions: Except as otherwise specifically provided, no provision of this ordinance shall be construed as relieving any party, to whom compliance approval is issued, from any other city, county, state, or federal law or from any provision, ordinance, or regulation of the City of Island Park requiring approval, license, or permit to engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use of property, buildings and/or structures.

K. ERRORS IN LEGAL DESCRIPTIONS: Where a property has not been zoned due to an error in a legal description, the following shall apply:

1. All applications for designation or re-designation in the Comprehensive Plan and/or zoning or rezoning in the Development Code shall include a metes and bounds legal description. Said legal description shall be made by a Idaho licensed land surveyor. Said legal description shall be reviewed by the City surveyor, at the sole cost of the applicant;

2. If the error is caused by the City, the error shall be corrected and duly processed by the City as soon as the error is discovered; and

3. If the error is caused by the applicant and/or owner, the applicant shall apply for a comprehensive plan map and/or zoning ordinance map amendment, including payment of the proper fees.

L. PUBLIC SERVICES EXCEPTED:

This code shall not limit or interfere with the temporary use of any property as a public voting place, or with the construction, installation, or operation of the following by any public agency, when such construction is otherwise in conformity with all federal, state, county, and city regulations:

1. Public street or highway;
2. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, wells, valves, or any other similar distributing and transmitting equipment or other communications equipment;

3. Electric power, gas, water, and sewer lines, provided that the installation shall conform when applicable with the rules and regulations of any federal or state commissions and agencies, or any other authorities having jurisdiction and subject to other city ordinance provisions, rules, and regulations; and

4. Incidental appurtenances to any of the above.

M. REFERENCES: References in this ordinance to other ordinances, rules, or codes of the City of Island Park and statutes of the state of Idaho are provided solely for the coordination of this title with such other ordinances and statutes.

N. CONFLICTING ORDINANCES REPEALED: All prior ordinances and resolutions are repealed to the full extent of their inconsistency with this ordinance.

O. SEVERABILITY: If any section, clause, or provision of this ordinance is declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid, the remainder of this ordinance shall remain in full force and effect.

CHAPTER IA - PRESERVATION OF PRIVATE PROPERTY RIGHTS:

A. This ordinance contains provisions to protect the private property rights as established in Title 67, Chapter 65 (Local Land Use Planning Act) and Title 67, Chapter 80 (Regulatory Taking) of the Idaho State Statutes;

B. This ordinance shall be interpreted to equally protect citizens from the undue encroachment on their private property by their neighbors' use of their private property and equally protect each citizen's right to use of their property without creating undue burden upon their neighbors;

C. In the administration of this ordinance, every person shall be secure in their premises, and no employee of the city shall enter upon, investigate, or search any of the premises of any citizen unless an application for a permit has been submitted to the City; another section of this ordinance, or another ordinance, code, or rule of the City, state or federal law
permits enter onto private property; with the consent of such citizen; or order issued by a court of competent jurisdiction;

D. Every citizen of the City of Island Park shall have the right to appear in person or be represented by his or her agent before the commission/city council in the proper order of business to:
   1. Have an application heard;
   2. Provide public comment on an application requiring a public hearing;
   3. Provide public comment on matters not otherwise being considered; or
   4. Appeal a decision pursuant to the procedures contained in chapter III of this ordinance; and

E. In the enforcement of this ordinance, it shall be deemed to apply equally to each citizen and each property in similar circumstances, and shall not be enforced to discriminate between one individual and/or another individual or other group as compared to all others.

CHAPTER IB - VESTED RIGHTS

Vested Rights: A vested right is the right to proceed with development under a previous set of regulations, or the right to proceed under the code pursuant to an improvement or development agreement with the City Council.

A. Vested rights to proceed with development initiated prior to the adoption of this ordinance shall be established only by:
   1. Having obtained a building permit in full compliance with the provisions of the previous regulations (such vested rights expire with the completion or expiration of the permit);
   2. Having recorded a final plat in full compliance with the provisions of the previous regulations. Recording a final plat establishes a vested right to the lot layout, easements, and road network of the subdivision. It does not establish a vested right for any permit, particular use, or development on any lot;
   3. Entering into an Improvement or Development Agreement with the City; (for Development Agreements, also see Idaho Code §67-6511A and Chapter III, Division 14 of this ordinance); and/or
   4. Obtaining a Class I or a Class II permit in full compliance with this ordinance.

B. See Chapter III for the duration of permit approvals.
C. Vested rights expire with the expiration of the permit.

CHAPTER 1C - NONCONFORMING USES AND STRUCTURES
The nonconforming use may continue as long as the use remains lawful and is not expanded or extended, unless approved subject to the regulations of Chapter 1E, Expansion or Extension of a Nonconforming Use or Structure, of this ordinance.

A. For the purposes of this chapter, the term "expanded or extended" shall include, but not be limited to: increased hours; increased services or programs; increased number of residential dwellings; interior renovations or structural additions that increase the occupant load of the structure dedicated to the nonconforming use (see City of Island Park building codes); any new structures accessory to the nonconforming use; expansion or replacement of the structure (or portions thereof) dedicated to the nonconforming use; anything beyond regular maintenance and minor repairs (as provided for in the City of Island Park building codes) and any action that extends the duration of the nonconforming use.

B. If a nonconforming use has ceased for ten (10) years, the nonconforming use shall be deemed abandoned and shall not be reestablished. If nonuse or vacancy continues for a period of a year or longer, the City Council may request resolution of the nonconforming use right according to procedures outlined in Idaho Code §67-6538(2) as it may be amended or retitled from time to time.

C. A nonconforming use or structure housing a nonconforming use that is damaged more than fifty percent (50%) of its current assessed value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this title upon reconstruction. If the damage to the nonconforming use or structure housing the nonconforming use is fifty percent (50%) or less of the current assessed value, the nonconforming use may continue, provided that the nonconforming use commences within ten (10) years of the event. If nonuse or vacancy continues for a period of a year or longer, the City may request resolution of the nonconforming use right according to procedures outlined in Idaho Code §67-6538(2) as it may be amended or retitled from time to time.

D. Nonconforming structures may be enlarged or modified, provided that the additions or modifications to the structure conform to the requirements of this ordinance.

E. Uses housed within structures listed on the national register of historic places shall be exempt from the regulations of this section.

Chapter 1D - NONCONFORMING PROPERTY

A. The nonconforming property shall not be further diminished in size.
B. Any property reduced by governmental action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents to the Administrator proving the following:

1. The property was in compliance with the minimum property size requirement of the applicable zoning district prior to the decrease in property size; and

2. The decrease in property size was caused by acquisition through prescription, purchase, or other means by the City of Island Park, Fremont County, Idaho transportation department, utility company or corporation under the jurisdiction of the Idaho public utilities commission, or other local, state, or federal agency.

CHAPTER 1E - EXPANSION OR EXTENSION OF A NONCONFORMING USE OR STRUCTURE

A. Process. The request for expansion or extension of a nonconforming use shall be a Class I permit as set forth in Chapter III.

1. An application and fees, as set forth in Chapter III, shall be submitted to the Administrator on forms provided by the Administrator.

2. The Administrator shall apply the standard listed in subsection B of this section and the findings listed in subsection C of this section to review the expansion or extension of a nonconforming use or structure.

B. Standard: The use or structure is nonconforming.

C. Required Findings: In order to grant an expansion or extension of a nonconforming use or structure, the Administrator shall make the following findings:

1. Allowing the expansion or extension of the nonconforming use or structure shall not conflict with the applicable comprehensive plan;
2. The expansion or extension of the nonconforming use or structure will not increase the nonconformity of the height or setback requirements of this ordinance; and
3. The expansion or extension of the nonconforming use or structure will not encroach into any critical area as identified on the official zoning ordinance maps.

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CHAPTER II

ESTABLISHMENT OF THE PLANNING AND BUILDING ADMINISTRATOR, HEARINGS ADMINISTRATOR, CITY COUNCIL, AND DUTIES OF THE DECISION MAKING BODIES

A. Duties of Planning and Building Administrator: The Mayor, with the confirmation of the City Council, may appoint a Planning and Building Administrator who shall perform the following duties:

1. Assist the public in understanding the applicability of, and requirements of, the Comprehensive Plan, this ordinance, and any other applicable plan, ordinance, or policy of the City;
2. Provide interpretations of the text of the comprehensive plan and this ordinance;
3. Provide interpretations of the location of land use designations in the comprehensive plan and zoning district boundaries;
4. Review permit applications for compliance and accept submitted applications as required by Chapter III;
5. Review, accept, and schedule applications as established in Chapter III;
6. Review, accept, and schedule applications for annexations;
7. Review, accept, and schedule applications for exclusion of territory (de-annexation);
8. Recommend to the City Council, professional review, if needed, for review of applications for Class II permits, as provided by Chapter III;
9. Collect and account for all fees collected in the administration of this ordinance and prepare an annual report of development activity to the City Council;
10. Review, accept, and approve, approve with conditions, or disapprove Class I permit applications as required by this ordinance;
11. Review, accept, schedule, and recommend to the City Council Class II permit applications;
12. Review, accept, schedule, and recommend to the Hearings Examiner Class II permit applications;
13. Perform inspections and issue certificates of compliance, when development has been completed in compliance with this ordinance;
14. Investigate possible violations of this ordinance;
15. Conduct investigations of structures and use of property as are necessary to determine compliance with the regulations of this ordinance;
16. Order the abatement of violations of the zoning ordinance and aid in prosecuting such violations;

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17. Enforce penalties for violations as set forth in this ordinance;
18. Perform all other duties necessary to assist the City Council in the execution of their duties and to enforce and administer the provisions of this ordinance, and any other applicable plan, ordinance, or policy of the City.

B. Duties of Hearings Examiner: The Mayor, with the confirmation of a majority vote of the City Council, may appoint a Hearings Examiner who shall perform the following duties:

1. Hear and recommend to the City Council approval, approval with conditions, or denial of preliminary plats;
2. Hear and approve, approve with conditions, or deny applications for Variances;
3. Hear and approve, approve with conditions, or deny applications for Class II Permits.

C. Duties of the City Council: The City Council shall perform the following duties in the administration of this ordinance:

1. Hear and approve, approve with conditions, or deny applications for Comprehensive Plan text and map amendments;
2. Hear and approve, approve with conditions, or deny applications for Development Code text and official zoning map amendments;
3. Authorize professional review, if needed, for review of applications for Class II permits, as provided by Chapter III;
4. Hear appeals and affirm, modify, or overturn decisions of the Administrator and the Hearings Examiner;
5. Review recommendations from the Hearings Examiner and approve, approve with conditions, or deny applications for preliminary plats;
6. Review and approve, approve with conditions, or deny applications for plat vacations, or partial vacations;
7. Hear and decide on applications for annexation of property into the corporate limits of the City;
8. Hear and decide on applications for exclusion of territory (de-annexation) of property from the corporate limits of the City;
9. Hear and approve, approve with conditions, or deny applications for reconsideration;
10. Hear and approve a map identifying the area of city impact in accordance with the provisions of Idaho Code §67-6526;
11. Hear and recommend to the City Council the plan and ordinance for the area of city impact in accordance with the provisions of Idaho Code §67-6526;
12. Confirm, or not confirm, the Mayor’s appointee of a Hearing Examiner;
13. Confirm, or not confirm, the appointment of a Planning and Building Administrator by the Mayor;
14. Perform all other duties as assigned by this ordinance; and
15. Establish fees, by resolution, for the administration of the City of Island Park Comprehensive Plan and Development Code.

E. **Duties of the City Clerk:** The City Clerk shall perform the duties as set forth in this ordinance, the Local Land Use Planning Act as established in Title 67, Chapter 65 of the Idaho Statutes, Plats and Vacations as established in Title 50, Chapter 13 of the Idaho State Statutes, as they relate to this ordinance;

F. **City Attorney:** The City Attorney of the City of Island Park shall have the authority to enforce this title as set forth in Idaho Code and this ordinance.

G. **Conflict of Interest:** For the purposes of this ordinance, a member of the City Council or the Hearings Examiner shall not participate in any proceeding or action when the applicant or his/her employer, business partner, business associate, or any person related to him/her by affinity or consanguinity within the second (2nd) degree, has an economic interest in the procedure or action. Any actual or potential interest in any proceeding or ex parte contact shall be disclosed at or before any public hearing or meeting at which the action heard or considered. The disclosure shall be noted in the minutes. Also see Idaho Code §67-6506.

H. **Liability:** Any individual, including City Council or Hearings Examiner, the Planning and Building Administrator, or other City employees, or contract consultants, who acts in good faith and without malice in the performance of duties assigned by this ordinance, shall not be held liable for errors or omissions in the administration of this ordinance. A suit brought against such an individual shall be defended by the City and any judgment resulting from such a suit shall be the liability of the City.
CHAPTER III - ADMINISTRATIVE PROCEDURES, PERMITS, AND HEARINGS

Division 1- Permits Required

A. Permit Required: A Class I or Class II permit, as established below, shall be required for any development, except as specifically exempted by subsection C, Exceptions from Required Permits, below:

1. Class I Permit: A Class I permit shall be required for:

   a. Minor plat amendments that modify boundary lines (lot line adjustments) or correct errors on the plat;

   b. Construction of a single-family or two-family dwelling. No more than one single-family or two-family dwelling is permitted per lot or parcel;

   c. Construction of an accessory building or fence not exempted by section B below;

   d. A minor change of use, not to exceed five hundred (500) square feet in floor area in an existing commercial or industrial structure, or five hundred (500) square feet in land area;

   e. Home Occupation;

   f. Residential Business;

   g. Wind Energy System;

   h. Towers, structures, and associated equipment constructed for the following purposes, including but not limited to: commercial radio, television, telephone, wireless communication facilities, wireless broadband, paging, or satellite reception and/or transmission twenty (20) feet in height or less;

   i. Signs. See Appendix A for specific rules, regulations and permitting;

   j. Time Extensions;

   k. Any land disturbing activity, including dredging, filling, clearing, grading, excavation, the construction of retaining walls or other means of shoreline stabilization, however, any such activities proposed as part of a subdivision or a
development for which a Class II permit is required, may be evaluated as a part of the 
application for a Class II permit;

1. Any other development of land not exempted by section B below and not requiring a 
Class II permit.

2. **Class II Permit:** A Class II permit shall be required for:

a. Subdivisions (Preliminary and Final Plats) of land creating two (2) or more lots, including 
condominium and townhouse subdivisions; and re-plats of subdivisions that increase the 
area of the plat and/or the number of lots. However, a Final Plat is not subject to the subject 
to the Absolute or Relative Performance Standards as set forth in Chapters V, VI, and VII of 
this ordinance, but are subject to the permit procedures as set forth in Division 2.

b. Multiple family residential development proposing two (2) or more dwelling units per parcel 
or lot, regardless of whether or not they are detached or attached dwelling units; 
manufactured home parks and manufactured housing communities (as set forth in Idaho 
Code §67-6509(B));

c. Commercial and industrial development and redevelopment;

d. Bed and Breakfast facilities;

e. Transient Rental use or dwelling. No more than one (1) transient rental use or dwelling is 
permitted per residential parcel or lot;

f. Lodges (if not located in a commercial zoning district, are also subject to a Development Code 
map amendment. Also See Chapter VIII(A));

g. Major plat amendments that reconfigure lots and/or rights-of-way, consolidate lots, but does 
not increase the number of lots or the amount of land included in the subdivision;

h. Any major change in use, exceeding five hundred (500) square feet of floor area in an existing 
commercial or industrial structure, or five hundred (500) square feet in land area;

i. Any clearing or grading preparatory to a development requiring a Class II permit shall be 
included in the Class II permit, unless the Planning and Building Administrator determines a 
separate Class I permit is appropriate;

j. Signs. See Appendix A for specific rules, regulations and permitting;
k. Towers, structures, and associated equipment constructed for the following purposes, including but not limited to: commercial radio, television, telephone, wireless communication facilities, wireless broadband, paging, or satellite reception and/or transmission over twenty (20) feet in height;

l. Any change of land use or the use of a structure from residential to commercial or industrial;

m. Any other development of land or application affecting the comprehensive plan or development code not exempted by section B, below, and not requiring a Class I permit.

B. Other Applications: The following shall require review and approval by the Hearings Examiner and/or City Council as is set forth in this Chapter. These applications, as set forth in this subsection, are not subject to the Absolute or Relative Performance Standards as set forth in Chapters V, VI, and VII of this ordinance, but are subject to the permit procedures as set forth in Division 2.

1. Variance (Class II application process);

2. Appeals (City Council);

3. Plat vacation or partial vacation (Class II application process);

4. Plat amendments (Class II application process);

5. Amendment to the comprehensive plan (text or map) (Class II application process);

6. Amendment to the development code (text or map) (Class II application process);

7. Planned Community, as set forth in Appendix H (City Council);

8. Request for reconsideration (City Council);

9. Request for mediation (City Council);

10. Annexation (City Council); and


C. Exemptions from Required Permits: Developments listed below are exempt from the requirement of a permit but the development shall comply with any applicable absolute standards of this ordinance. No permit shall be required for:

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City Council public hearing on July 28, 2016.
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Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018

1. **Agriculture**: Clearing, grading and land disturbing activities for agricultural purposes, the maintenance and construction or irrigation works, and grading required for the maintenance of an existing agricultural structure. A change in use to a non-agricultural use is not an Exemption for Required Permits.

2. **Limited Remodel**: Repair or remodeling of buildings that does not alter the exterior dimensions. This provision does not exempt remodels from permits required by the currently adopted building code(s) of the City.

3. **Small Accessory Buildings**: One-story detached accessory structures used as a tool or storage shed, playhouses and similar uses, provided the floor area does not exceed two-hundred (200) square feet.

4. **Fences**: Fences of six (6) feet or less in height (all fences must comply with the standards of the City Development Code for clear sight triangles (see Chapter V for minimum separation distances and/or required setbacks from intersections, access points and roadways).

5. **Utilities**: Minor utility installations; including but not limited to phone lines and TV cables.

6. **Signs**: Certain signs, as provided for in Appendix A, Signs.

**D. Airport Overlay District**: The above stated Exemptions (in subsection C, above) from permit requirements shall not apply to any development in the Airport Overlay Zoning District. A Class I or Class II Permit is required.

**E. River, Stream, Lake, Reservoir, Lakeshore, Pond and Wetland/Water Body Corridors**: The above stated Exemptions (in subsection C, above) from permit requirements shall not apply to any development in any river, stream, lake, reservoir, lakeshore, pond, wetland and any water body or corridor. A Class I, Class II, or Other Application Permit is required.

**Division 2 – Permit Procedures**

**A. Application Requirements**: All persons making application for permits and other matters herein referred to shall be required to submit to the Administrator an application, on forms provided by the Administrator, all information listed as required on those forms, and an
application fee as set forth in the latest adopted version of the Fee Resolution adopted by the City Council. Applications not containing all of the required application materials and applicable fees shall automatically be denied by the Administrator.

B. Pre-application Conference(s):

1. The purpose of the pre-application conference is to review the proposed application(s), to discuss the procedures and requirements of the Development Code, and to review the associated application material. A pre-application conference is an informal meeting with the applicant and the Administrator. Any items discussed or proposed conditions are not binding on the applicant or the City. Written documentation of the pre-application meeting, as prepared by the Administrator, shall be made part of the public record.

2. Applicants shall participate in a minimum of one pre-application conference with the Administrator prior to submission of any application. All pre-application conferences shall take place at the City of Island Park City Hall.

3. The Administrator may require additional pre-application conferences and may require pre-application conferences for applications not otherwise listed in this Chapter listed above.

C. Date Of Application Submission: The date of application submission shall be the date the applicant submits to the Administrator, the appropriate application form(s), the appropriate fees, and all information listed as required on the application form and applicable checklist(s) and any other items, information, and/or reports identified by the Administrator in the required pre-application conference.

D. Class I Application: Class I permits are reviewed and decided upon by the Administrator. Applications for Class I permits that have completed a pre-application conference shall be submitted to the Administrator for processing and decision-making.

1. Review: All Class I Permit applications shall be reviewed by the Administrator for compliance with this ordinance and the Comprehensive Plan. Incomplete applications shall automatically be denied by the Administrator.

2. Planning and Building Administrator Decision: The Administrator shall approve, approve with conditions, or deny, the application in compliance with the provisions of the Idaho Code §67-6535.

   a. Decision Time Limit: The Administrator shall make a decision on the Class I permit application within ten (10) business days of the application being submitted.
b. **Notify the Applicant:** The Administrator shall notify the applicant in writing of the decision within ten (10) business days of the date of the decision.

**E. Class II Application:** Class II permits are reviewed and decided upon by the Hearings Examiner, except for preliminary and final plats which are reviewed by the Hearings Examiner and recommended to the City Council; and Planned Communities (see Division 2(B), below. See Chapter II for the duties of the Hearings Examiner and the City Council. Applications for Class II permits that have completed a pre-application conference shall be submitted to the Administrator for scheduling before the Hearings Examiner.

1. **Prior Permit:** Where the proposed development is part of a larger development for which a Class II permit was previously approved, the Administrator also shall determine whether it is in compliance with the previously approved development plan and all conditions attached to that approval.

2. **Class II Review:** The Administrator may require multiple copies of the application materials be submitted and shall schedule the application for review at a regularly scheduled meeting, by which time the required public notice requirements shall be satisfied.

3. **Requests for Waivers:** Any request(s) for waivers shall be made with the original application submittal. Such a request must be in writing and reasons and/or justification for the request(s) must be included. If a request for a waiver is made after the submittal of the original application and/or during the public hearing process, the processing of the application and the scheduling of the public hearing shall be terminated and a new or amended application shall be required to be submitted. Payment of new fees will be required.

4. If adjoining or abutting the Areas of City Impact boundary line, see Chapter IX, Area of City Impact, for the applicable Comprehensive Plan and Development Code and requirements.

(a) **Hearings Examiner Public Hearing and Decisions:** For those Class II permit applications requiring a public hearing before the Hearings Examiner the following procedures shall be used.

   (1) **Public Hearing procedures.** The Hearing Examiner shall conduct a public hearing in accordance with the public notice and public hearing procedures of this Development Code. No application shall be reviewed if the developer or his/her representative is not present at the public hearing.

   (2) **Hearings Examiner Review:** The Hearings Examiner shall conduct the required public hearing, review the application, plans and all supporting information
for compliance with this Development Code and the Comprehensive Plan, consider the recommendation from the Administrator and the public testimony, and decide to approve, approve with conditions, or deny the application in compliance with the provisions of the Idaho Code §67-6535.

(3) Finding. The Commission, through the Administrator, shall provide the applicant written findings of fact and conclusions of law in accord with Idaho Code §67-6519 and Idaho Code §67-6535, stating the reasons for the decision or recommendation reached.

(4) Notify the Applicant: The Administrator shall notify the applicant in writing of the Planning and Zoning Commission’s decision within ten (10) business days of the decision.

(b) Hearings Examiner Public Hearing and Recommendations: The Hearings Examiner shall conduct a public hearing in accordance with the public notice and public hearing procedures of this Development Code. No application shall be reviewed if the developer or his/her representative is not present at the public hearing.

(1) Planning and Zoning Commission Review: The Hearings Examiner shall conduct the required public hearing, review the application, plans and all supporting information for compliance with this Development Code and the Comprehensive Plan, consider the recommendation from the Administrator and the public testimony, and decide to recommend to the City Council approval, approval with conditions, or denial of an application in compliance with the provisions of the Idaho Code §67-6535. Incomplete applications shall automatically be denied.

(2) Finding: The Hearings Examiner, through the Administrator, shall provide the applicant written findings of fact and conclusions of law in accord with Idaho Code § 67-6519 and Idaho Code §67-6535, stating the reasons for the decision or recommendation reached.

(3) Notify the Applicant: The Administrator shall notify the applicant in writing of the Hearings Examiner’s decision within ten (10) business days of the decision.

(4) Recommendation to the City Council: For applications that require the Hearings Examiner to make a recommendation to the City Council, the Administrator shall schedule the application on the next available City Council meeting.
(c) **City Council review and decision making:** The City Council shall review the application and the recommendation of the Hearings Examiner. At the conclusion of the review, the City Council shall approve, approve with the Hearings Examiner’s recommendation, modify, or deny the application.

(d) **Material Change.** If the application is for a comprehensive plan amendment or development code amendment, and the City Council makes a material change to the recommendation or alternative options of the Hearings Examiner, the City Council shall provide further notice and hearings in accordance with the public notice and hearing requirements of the ordinance.

**F. Planned Communities**

1. Planned Communities applications are reviewed and heard by the Hearings Examiner and recommended to the City Council. The City Council is also required to hold its own public hearing on the application and the recommendation of the Hearings Examiner. See Chapter II for the duties of the Hearings Examiner and the City Council.

2. **Review:** The Administrator may require multiple copies of the application materials be submitted and shall schedule the application for public hearing at the next regularly scheduled meeting of the Hearings Examiner, by which time the required public notice requirements shall be satisfied.

(a) **Hearings Examiner Public Hearing, Decision, and Recommendation.** The following procedures shall be used:

   (1) **Public Hearing Procedures.** The Hearings Examiner shall conduct a public hearing in accordance with the public notice and public hearing procedures of this Development Code. No application shall be reviewed if the developer or his/her representative is not present at the public hearing.

   (2) **Review.** The Hearings Examiner shall conduct the required public hearing, review the application, plans and all supporting information for compliance with this Development Code and the Comprehensive Plan, consider the recommendation from the Administrator and the public testimony, and decide to recommend approval, recommend approval with conditions, or recommend denial to the City Council the application in compliance with the provisions of the Idaho Code §67-6535.

   (3) **Finding.** The Hearings Examiner, through the administrator, shall provide the applicant written findings of fact and conclusions of law in accord with Idaho Code §67-6519 and Idaho Code §67-6535, stating the reasons for the decision or recommendation reached.
(4) **Notify the Applicant.** The Administrator shall notify the applicant in writing of the Hearings Examiner’s decision within ten (10) business days of the decision.

(b) **Recommendation to the City Council:** The Administrator shall schedule the Hearings Examiner’s recommendation to the City Council on the next available City Council meeting where public notice can be given.

(c) **City Council Public Hearing and Decision:** The following procedures shall be used:

(1) **City Council Agenda.** The Administrator shall convey the Hearings Examiner’s recommendation to the City Council, schedule a public hearing on the application on the agenda of the next regularly scheduled City Council meeting for which the notice requirements can be met and at which time will allow the proper consideration of the application. Notice shall be provided in the same manner as for the public hearing before the Hearings Examiner.

(2) **City Council Public Hearing.** The City Council shall conduct a public hearing, review the application, plans and all supporting information for compliance with this Development Code and Comprehensive Plan, consider the recommendation from the Administrator and the public testimony, and decide to recommend approval, recommend approval with conditions, or recommend denial to the City Council the application in compliance with the provisions of the Idaho Code §67-6535.

(3) **City Council Decision.** The City Council shall determine whether the proposed Planned Community is consistent with the public interest and/or the Comprehensive Plan and approve, approve with conditions, or disapprove it accordingly.

(4) **Notify the Applicant.** The Administrator shall notify the applicant in writing of the City Council’s decision within ten (10) business days of the decision.

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**Division 3 - Appeal**

A. **Appeal:** Any decision or action under the jurisdiction and authority of the Administrator, or the Hearings Examiner, may appeal to the City Council as set forth in this ordinance.

1. The appellant shall be an affected person as defined in Idaho Code §67-6521.
B. Appeal Procedures:

1. **Timeframe for Appeals.** Appeals of written decisions shall be filed with the Administrator within fifteen (15) days after the date of the written decision, or it shall not be accepted. An application and fees, shall be submitted to the Administrator on forms provided by the Administrator.

2. **Schedule of Public Hearing.** The Administrator shall schedule and the City Council shall hold a public hearing in accordance with the public notice and public hearing procedures of this ordinance.

3. **Public Hearing.** At the public hearing, the City Council shall consider the order, requirement, permit, decision, or determination of the Administrator or the Hearings Examiner. The City Council shall also consider any additional evidence that may be offered by the applicant, the public, Administrator, and/or the Hearings Examiner.

4. **Council decision.** The City Council may affirm, reverse, modify, in whole or in part the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted.

5. **Finding of Fact and Conclusions of Law.** The City Council, through the Administrator, shall provide the applicant written findings of fact and conclusions of law in accord with Idaho Code §67-6519 and Idaho Code §67-6535, stating the reasons for the decision reached.

6. **Notify the Applicant:** The Administrator shall notify the applicant in writing of the City Council's decision within ten (10) business days of the decision.

**Division 4- Reconsideration and Judicial Review**

1. **Purpose:** To minimize the number of judicial appeals, prevent new information from being presented on appeals, and resolve disputes at the lowest possible level.

2. **Judicial Review:** A person aggrieved by a final decision or action of the City Council may seek judicial review as provided by Idaho Code § 67-6521(d).

3. **Reconsideration:** Prior to seeking judicial review, an applicant, or affected person, shall file an application for reconsideration pursuant to the provisions of Idaho Code §67-6535 and as set forth in this ordinance.

4. **Applicability:**

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2016 Development Code  
City Council public hearing on July 28, 2016.  
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.  
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017  
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
(a) A decision shall not be deemed final for the purposes of judicial review unless the process of this section has been followed.

(b) Any applicant seeking judicial review shall first seek reconsideration of the final decision by the City Council. The applicant, or an affected person, as defined in Idaho Code §67-6521, shall seek reconsideration of a final decision within fourteen (14) days of the date of the written notice of the final decision.

(c) If an applicant, or an affected person, requests reconsideration, the twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration.

5. Procedure. A request for reconsideration shall be made as follows:

(a) The applicant, or affected person, seeking reconsideration shall submit a complete application, including applicable fees, on forms provided by the Administrator. The party seeking reconsideration, may submit additional plans, drawings, charts, written material, and supporting documents as part of the application for reconsideration. The Administrator may require multiple copies of the application and supporting documents.

(b) The Administrator shall provide copies of the original application and all materials of record from the original application, the decision-making process, and all materials submitted during the initial public hearing(s), including all applicable minutes, as part of the record for reconsideration.

(c) In accordance with Idaho Code §67-6535, the party requesting reconsideration shall identify specific deficiencies in the decision that has been made.

6. Public Hearing and decision. (a) The City Council shall hold a public hearing on the request for reconsideration. The public hearing before the City Council shall be noticed and heard in compliance with the public hearing provisions of Chapter III.

(b) At the conclusion of the public hearing(s), the City Council shall affirm, reverse, or modify the decision being reconsidered. The City Council’s decision shall be made within sixty (60) days of submittal of the application for reconsideration.

7. Written Notice. The Administrator shall provide written notice of the City Council’s decision within ten (10) days of the date of the decision. This ten (10) day
written notice time period shall be counted within the sixty (60) days of receipt of the request for reconsideration, as set forth in subsection (d)(ii), above.

Division 5 – Public Notice and Public Hearing Procedures

A. Public Notice: All public hearings shall be advertised and conducted pursuant to this section.

1. Mail Notification: All owners of record of property within three hundred (300) feet of a site being subject to a permit where a public hearing is required, shall be notified of the public hearing by first class mail at least fifteen (15) calendar days before the public hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice shall be provided in lieu of posted or mailed notice. Sufficient notice shall be deemed to have been provided if the city provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

2. Newspaper Publication: Notice of the time and place and a summary of the proposal shall be, published in the official newspaper of the City, with the first newspaper notice appearing at least fifteen (15) but not more than twenty five (25) calendar days prior to the public hearing and the second notice appearing approximately one week later.

3. Mail to Agencies: All political subdivisions providing public services, including the appropriate school and fire protection districts, and other interested parties on a list maintained by the Planning and Building Administrator shall be notified of the public hearing by first class mail at least fifteen (15) calendar days before the hearing.

4. Posting the Site: The public hearing shall be advertised by a sign conveying the required notice information placed on the site at least one (1) week before the hearing. An additional sign shall be placed where it is clearly visible from the nearest public road and may be placed at a point of access to the site, where the Administrator determines that such a location will aid in providing effective notice.

5. Hearing Notices: All required notices shall provide the following information: the name and mailing address of the developer; a legal description of the development site or the address of the development site or another general description by which the public can identify the site; the present land use at the site; the proposed use and, for subdivisions, the proposed number of lots and average proposed density; the body that will conduct the public hearing; the date, time, and place of the public hearing.
6. **Right to Participate.** Any property owner entitled to specific notice pursuant to the provisions of this section shall have a right to participate in public hearings before the Hearings Examiner or City Council subject to the applicable hearing procedures set forth in Chapter III of this ordinance.

7. **No Response:** No response from persons and agencies that are notified by U.S. mail shall mean that the person or agency has no comment.

B. **Public Hearing Procedure:** The public hearing procedures are as set forth in the duly adopted by-laws of the City Council.

1. **Supporting Materials.** Written statements, plans, drawings, photographs, or other materials offered in support or opposition of statements at a hearing are part of that public hearing’s record and shall be retained by the City. Supporting materials shall be left with the Planning and Building Administrator after each statement is made.

2. **Additional Use of Public Hearing Procedures:**

   a. **Time Limits:** The Hearings Examiner/City Council may impose time limits on the statements given during a public hearing in order to assure completion of its agenda.

   b. **Speaker Registration:** The Hearings Examiner/City Council may require persons who wish to make a statement to register their intention to do so with the City Clerk before the public hearing. The presiding officer shall use the register to call persons to present their statements. Only those persons who have registered with the City Clerk, prior to the start of the meeting, shall be allowed to speak.

   c. **Continuation:** On its own initiative and for the purpose of obtaining additional critical information that the public is entitled to review and comment on, the Hearings Examiner/City Council may continue the public hearing to a certain future date. The applicant may request and may be granted, at the sole discretion of the Hearings Examiner/City Council, a one-time continuation to a certain future date for the purpose of providing additional critical information.

3. **Decision Deadline:** This section establishes the “reasonable time” for deliberation on applications by the Hearings Examiner or City Council, whichever body is conducting the review, as required by Idaho Code §67-6519. The Hearings Examiner and City Council each shall make their respective recommendation/decision on an application for a permit within sixty (60) calendar days of the close of the public hearing, if a hearing is required by this ordinance, or

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2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
within sixty (60) calendar days of the meeting at which the application first appeared on the Hearings Examiner or City Council agenda, if no hearing is required. As is set forth in Idaho Code §67-6510 and Division 9 of this chapter, Mediation, the time limitation relevant to the application is tolled during mediation.

4. Public Hearings To Be Recorded: As required by Idaho Code §67-6536, the City Clerk shall keep a recording of all public hearings suitable for transcribing on file for at least six (6) months after the final hearing, which includes appeals hearings, on the application.

5. Decision Record: All decisions of the City Council and recommendations and decisions of the Hearings Examiner shall be reported in the form of Findings of Fact and Reasoned Statement (Decision), as required by Idaho Code §67-6535. The completed record of the meeting shall include the application materials, any written reports prepared by or on contract for the City, and all written and verbal testimony given at the required public hearing.

6. Final Decisions Subject to Regulatory Takings Analysis. Every final decision rendered concerning a site-specific land use request shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code §67-8003.

7. The Administrator's report shall be presented in a form that shall serve as a basis for the Hearings Examiner / City Council’s Findings of Fact.

C. Professional Review: The City Council may contract with professional planners, engineers or other appropriate professionals to review an application and provide comments and recommendations on an application prior to the scheduling of the application before the City Council, whichever is applicable. The Planning and Building Administrator may recommend the selection of the professional with which the City Council may enter into a contract with. The City Council will require the cost of such contracts to be paid by the developer of the project for which the contract work is required, as set forth in the City Council Resolution on fees for the administration of the Development Code. The results of such contract work shall be in written form and will be made a part of the public record before the Planning and Zoning and City Council and shall be made available to the City Officials, the developer, and the public.

D. Conditions: Conditions may be imposed on the approval of any permit, provided that those conditions are clearly designed to assure compliance with one or more specific requirement(s) of this ordinance, and that a list of all conditions imposed is provided to the developer with notification of the Hearings Examiner's decisions or recommendation or City Council's decision. That list shall specifically identify the provision(s) of this ordinance the condition is designed to implement.
E. Application Fees: Application fees, charges and expenses established by this ordinance shall be adopted by resolution of the City Council. The 17, Chapter II of any contract review analyses, investigations, inspections, legal advertising, postage for notifying property owners or purchasers of record within three hundred (300) feet of the external boundaries of the land being considered, postage for notifying affected agencies (political subdivisions), postings and other related expenses required by the City shall be added to the regularly applied application fees and paid by the developer or applicant. The cost of these other related fees will be billed to the applicant/agent and are due and payable before the close of business for the City on the date of the hearing.

F. Approvals Valid for Two Years: Permits shall be valid for two (2) years from the date of approval. If construction has not commenced in an approved development or the subdivision plat not recorded, whichever is applicable, within two (2) years, the approval shall expire and all entitlements granted by the approval shall be extinguished. Approval of a variance application shall not be subject to this time period but is not transferrable to another or differently configured parcel or lot.

G. Site Inspection: The filing of an application for a permit constitutes permission for the Administrator to conduct on-site inspections of the proposed development site during its consideration. The Administrator may delay consideration of any application when inclement weather or snow pack prevents a useful on-site inspection.

Division 6 – Variance

A. Variances: Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this ordinance were strictly enforced. Applications for variances shall follow the procedure described in this Chapter III of this ordinance. Applications for variances may be combined and processed simultaneously with applications for Class II permits.

1. Decision: The Hearings Examiner shall consider a variance only upon finding that:

   a. The need for a variance results from physical limitations unique to the lot or parcel on which the variance is requested;

   b. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot or parcel is possible without a variance;

   c. The alleged hardship has not been created by action of the owner or occupants of the subject property;
d. Approval of the variance will not create a nuisance, result in actual harm to adjoining properties; have an adverse affect on the implementation of the Comprehensive Plan or this ordinance; and shall not be in conflict with the public interest;

e. The variance approved is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use;

f. Additional findings are required for variances of the Airport Overlay Zoning District as specified in Chapter VIII; and

g. Conditions may be attached to the approval of any variance.

2. Hearings Examiner’s Review: The Hearings Examiner shall conduct a public hearing in accordance with the public notice and public hearing procedures of this Development Code. No application shall be reviewed and/or considered if the developer or his/her representative is not present at the public hearing.

i. The Administrators report shall automatically become part of the record before the Hearings Examiner as shall all written and oral testimony given before the Hearings Examiner during its hearing.

Division 7 - Property Boundary Adjustment

A. PURPOSE: The regulations of this article allow for the adjustment of parcel lines or platted lot lines between existing legal or nonconforming properties. A property boundary adjustment does not vacate the platted lot lines of a recorded subdivision.

B. APPLICABILITY: These regulations apply to existing lots and parcels in the corporate limits of the City of Island Park.

C. PROCESS:

1. Application: An application and fees, as set forth in Chapter III, shall be submitted to the Administrator on forms provided by the Administrator.

2. Tentative Approval; Requirements: Upon tentative approval of the application by the Administrator subject to any applicable conditions of approval and the regulations of
this Division, the applicant or owner shall have one (1) year to complete the following tasks:

a) Cause the property to be surveyed and a record of survey recorded;
b) Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
c) Obtain new tax parcel numbers from the Fremont County assessor; and
d) Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the Administrator.

D. Issuance Of Approval Letter: Upon determination by the Administrator that the final property boundary adjustment is in conformance with this Division, the Administrator shall issue a letter stating that the property boundary adjustment has received final approval.

E. STANDARDS:

1. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this ordinance.
2. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this ordinance, the property boundary adjustment shall not increase the nonconformity.
3. A property boundary adjustment shall not increase the original number of properties.
4. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.
5. The property boundary adjustment shall not constitute a relocation of a property.
6. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.

F. REQUIRED FINDING: In order to approve the application, the decision making body shall find that the proposed property boundary adjustment complies with the standards in this Division.

Division 8 -Subdivisions

A. This Division shall apply to the subdivision of all property within the incorporated area of the City of Island Park.
B. Unlawful:

1. It shall be unlawful to make a subdivision of property until the requirements of this ordinance are satisfied.

2. No plat or any instrument passing title to any portion of a plat shall be offered for recording unless approved in accord with the regulations of this ordinance.

3. No building permit shall be issued on any property being considered in the subdivision process until:
   a. the final plat has been recorded;
   b. Fremont County Assessor's parcel numbers have been assigned;
   c. property addresses have been assigned; and
   d. all required public and private improvements have been constructed and approved by the appropriate authority or a surety agreement have been submitted to and approved by the City Council and the surety is received by the City Clerk.

C. Exceptions: The following divisions of property shall not constitute a subdivision:

1. A "property boundary adjustment" in accord with Division 7 of this chapter.

2. The division of property as a result of condemnation, as defined and allowed in the Idaho Code.

3. The expansion or acquisition of street rights of way by a public highway agency.

4. A "property reduced by governmental action" in accord with Appendix D of this ordinance.

Division 8A - Preliminary Plat

A. Application And Fees: All applications and fees, as set forth in Chapter III of this ordinance, shall be submitted to the Administrator on forms provided by the Administrator.

B. A digital format of the plat may be required.

C. Preliminary plats shall concurrently submit a natural features analysis as set forth in Chapter 5, Division 5, Section N of this ordinance.
D. Codes, covenants, and restrictions (CC&R’s), if applicable, shall be submitted concurrent with the preliminary plat application. CC&R’s shall be reviewed by the Administrator for a determination of any inconsistencies with this ordinance. The CC&R’s shall be made a part of the public record but shall not be reviewed or considered by the Planning and Zoning Commission or the City Council.

E. The preliminary plat application for subdivisions in an overlay district shall contain any additional reports or materials required.

F. If an applicant or owner intends to complete the final platting of the subdivision in phases, the proposed phasing shall be submitted with the application.

G. If an irrigation right exists to the property, the applicant shall submit an irrigation plan that is consistent with Idaho Code §31-3805.

H. Processing: A preliminary plat shall be processes and reviewed as a Class II Permit, and shall be subject to the public hearing process as set forth in this Chapter.

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**Division 8B - Final Plat**

**A. Final Plat Procedures:** The developer may file a final plat application with the Planning and Building Administrator any time after the Class II permit for a subdivision has been approved by the City Council, but before the subdivision approval expires in two (2) years. See subsection G, Approvals Valid For Two Years, below.

1. **Completeness Review:** The Planning and Building Administrator shall determine if the final plat application contains all of the required application materials if all applicable fees have been paid.

2. **City Council Agenda:** Upon submittal of the final plat application, and applicable fees, the Planning and Building Administrator shall schedule it for review on the next regularly scheduled agenda of the City Council in accordance with the provisions of Idaho Code §50-1308 and this Division.

3. **No Public Hearing:** No public hearing is required for final plats, but no final plat shall be reviewed if the developer or his/her representative is not present at the City Council meeting.

4. **City Council Review:** The City Council shall review the final plat and determine whether it is in compliance with the prior issued subdivision permit, the Comprehensive Plan, and this Development Code. If the City Council finds that the final plat complies, it shall approve the final
plat and authorize the Mayor to sign the final plat. If it finds that the final plat fails to comply, the City Council shall deny the Final Plat.

5. Notify the Applicant: The Administrator shall provide written notice within ten (10) calendar days of the decision.

6. No Public Hearing: No public hearing is required for final plats, but no final plat shall be reviewed if the developer or his/her representative is not present at the City Council meeting.

Division 8C- Plat Amendments

A. Amendments: Any person may apply to amend an existing subdivision plat. The applicant shall submit to the Administrator a properly completed application on a form provided by the Administrator, all supporting plans and materials and the required fee.

B. Plat Amendments: Plat amendments shall be submitted in substantially the same form as a final plat.

1. The amendment plat shall be clearly identified as such.

2. The amendment plat shall show the dimensions and acreage of all parcels that have been modified. New parcels may not be created by amendment.

3. The amendment plat shall include a key. That key shall show all changes made as an overlay over the final plat originally recorded.

4. The certificate of consent must be signed by all owners of record on the platted subdivision.

5. Plat amendments are reviewed in the same process as a Final Plat as described elsewhere in this Chapter.

Division 8D- Vacation or Partial Vacation of Plats

A. Vacation of a Plat: Vacation of any plat, or any portion of a plat, may be proposed, following the procedure provided here and in Idaho Code §50-1306A. Only the City Council hears or considers any request for the vacation of any plat, or any portion of a plat.
B. Application. A application for vacation or partial vacation, and the required fees, shall be filed with the City Clerk on forms provided by the Administrator. The City Clerk shall immediately provide the application to the Administrator for processing. Applications for vacation or partial vacation of a plat shall include all owners of record in the platted subdivision. In accordance with Idaho Code § 50-1306A, the petition to vacation shall also include:

1) a written description of the circumstances surrounding the request;

2) A legal description of the platted area; and

3) the names of the persons affected by the request.

C. Pre-Application Conference. A Pre-application conference with the Administrator is required as is set forth in Chapter III, Division 2, of this Development Code.

D. City Council Agenda: The Administrator shall schedule the application for vacation or partial vacation of a plat on the next regularly scheduled agenda of the City Council in accordance with the provisions of Idaho Code §50-1306A.

E. Public Notice: Notice of public hearing shall be sent by certified mail, with return receipt, to all property owners within three hundred (300) feet of the area described in the application at least ten (10) calendar days before the public. In addition, the notice of hearing shall be published once a week for two (2) consecutive weeks in the City’s official newspaper, the second notice being at least seven (7) calendar days before the date of the City Council’s hearing.

F. City Council Review: The City Council shall conduct the required public hearing on the proposed vacation or partial vacation of the platted subdivision review the application, plans, and all supporting information for compliance with this Development Code and the Comprehensive Plan, consider the recommendation of the Administrator, and the public testimony and decide to approve, approve with conditions, or deny the application. No application to vacate or partially vacate a platted subdivision shall be reviewed and/or considered if the developer or his/her representative is not present.

G. Record. The Administrator’s report shall automatically become part of the record before the City Council as shall all written and oral testimony given before the City Council during its hearing.

H. Findings of Fact and Conclusions of Law. The City Council, through the Administrator, shall provide the applicant with written findings of fact and conclusions of law in accordance with Idaho Code § 67-6519 and Idaho Code § 67-6535, stating the reasons for the decision. Conditions of approval may be attached to the City Council’s written decision.
I. Notification to the Applicant: The Administrator shall provide written notice to the applicant within ten (10) calendar days of the decision.

J. Costs. All costs associated with the application and public notices shall be at the expense of the petitioner.

**Division 9 - Mediation**

A. To exercise the authority granted to the City in Idaho Code §67-6510, the following procedure is established for the processing of applications by this ordinance. This Division establishes the option of mediation upon written request of the applicant, an affected person, or the City Council.

B. Mediation may occur at any point during the decision-making process or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision-making body.

C. The applicant and any other affected persons objecting to the application shall participate in at least one (1) mediation session if mediation is requested by the City Council. The City Council shall select and pay the expense of the mediator for the first meeting among the interested parties. Compensation of the mediator shall be determined among the parties at the outset of any mediation undertaking.

D. An applicant may decline to participate in mediation requested by an affected person, and an affected person may decline to participate in mediation requested by the applicant, except that the parties shall participate in at least one (1) mediation session if directed to do so by the City Council.

E. During mediation, any time limitation relevant to the application shall be tolled. Such tolling shall cease when the applicant or any other affected person, after having participated in at least one (1) mediation session, states in writing that no further participation is desired and notifies the other parties, or upon notice of a request to mediate wherein no mediation session is scheduled for twenty-eight (28) days from the date of such request.

F. The mediation process may be undertaken pursuant to the general limitations established by this ordinance.

G. The mediation process shall not be part of the official record regarding the application.
Division 10 - Time Extensions of an Approved Development

A. Process: A time extension request of an approved development is a Class I permit.

1. An application and fees, as set forth in Chapter III, shall be submitted to the Administrator on forms provided by the Administrator.

   a. The application shall include a letter from the applicant or owner describing the reasons for the time extension request. Such reasons may include, but are not limited to: 1) current and/or forecasted economic conditions that make it impracticable to finish the development within the time allotted; or 2) delays that are beyond the control of the applicant or owner that make it impracticable to meet the conditions of approval and/or development requirements within the time allotted.

   b. The application shall be filed prior to the expiration date of the development approval.

2. The application for a time extension shall be decided by the Administrator, subject to appeal to the City Council. An administratively granted time extension shall be valid for no more than one (1) year from the date of the original expiration date of the development application. Any additional time extension requests shall be reviewed and decided upon by the City Council using the same application process, decision-making, and findings as are set forth in the subsection.

3. Appeals of administratively granted time extensions shall toll the time period of the time extension until final resolution of such appeal.

B. Findings: In order to grant a time extension, the Administrator, or the City Council, on appeal, shall make the following findings:

1. The application was submitted in a timely manner;
2. The applicant has submitted reasons that justify the granting of the time extension; and
3. The requested time extension complies with the requirements of this subsection.
Division 11- Amendment to the Development Code and/or the Comprehensive Plan

A. **Initiation of Amendments:** Amendments to this ordinance, the Official Zoning Map of the City of Island Park, or the Comprehensive Plan and the Comprehensive Plan Map may be initiated by any person, the Administrator, or the City Council.

B. **Developer Initiated:** If an amendment is initiated by a citizen or landowner as the applicant, the applicant shall file a properly completed application on a form provided by the City, the required supporting materials, and the required application fee with the Administrator. If the amendment is initiated by the Administrator, or City Council, the Administrator shall compile all materials necessary for a complete application. No application fee shall be paid.

C. **Review:** The Planning and Building Administrator shall determine if the application contains all of the required application materials pursuant to Chapter III, of this Development Code.

D. **City Council Agenda:** If the application is complete, the Administrator shall schedule a public hearing on the application on the agenda of the next regularly scheduled City Council meeting for which the notice requirements can be met and at which time will allow proper consideration of the application.

1. **City Council Public Hearing:** The City Council shall conduct a public hearing on the proposed amendment following the public notice requirements and the public hearing procedure established in this ordinance. No application for an amendment shall be reviewed if the person who petitioned for the amendment or his/her representative is not present.

2. **City Council Decision for a proposed plan amendment.** The City Council shall determine whether the proposed amendment is consistent with the public interest and/or the Comprehensive Plan and approve, approve with modifications or disapprove it accordingly. A resolution enacting or amending a plan or part of a plan may be adopted, amended or repealed by definitive reference to the specific plan document section(s).

3. **City Council Public Hearing.** The City Council shall conduct a public hearing on the proposed Development Code amendment following the public notice requirements and the public hearing procedure established in this ordinance. No application for an amendment shall be reviewed if the person who petitioned for the amendment or his/her representative is not present.

4. **City Council decision for a proposed Development Code amendment.** In the case of a proposed Development Code amendment, the City Council shall determine whether the proposed amendment is consistent with the Comprehensive Plan, and approve, approve with modifications, or disapprove it. A recommendation for enacting or amending the Development Code or part thereof shall be made by definitive reference to the specific Development Code sections.

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
E. Notify Applicant: The Administrator shall notify the applicant in writing of the Council’s decision within ten (10) calendar days of the decision.

F. Resolution Adoption. No amendment to the Comprehensive Plan or Plan Map shall become effective until that amendment has been adopted by Resolution of the City Council.

G. Ordinance Adoption: No amendment to this ordinance or the Official Zoning Map shall become effective until that amendment has been adopted as an ordinance by the City Council and published as required by law.

Division 12 - Annexation

1. Requests. Requests for annexation shall follow the processes and procedures as are set for the in Idaho Code §50-222.

2. Application Requirements: All persons making application referred to shall be required to submit to the Administrator an application, on forms provided by the Administrator, all information listed as required on those forms, and an application fee as set forth in the latest adopted version of the Fee Resolution adopted by the City Council.

Division 13 - Exclusion of Territory (De-annexation)

1. Requests. Requests for Exclusion of Territory (De-annexation) shall follow the processes and procedures as are set for the in Idaho Code §50-225.

2. Application Requirements: All persons making application herein referred to shall be required to submit to the Administrator an application, on forms provided by the Administrator, all information listed as required on those forms, and an application fee as set forth in the latest adopted version of the Fee Resolution adopted by the City Council.

Division 14 - Development Agreements

A. PURPOSE:

To exercise the authority granted to the City Council in Idaho Code §67-6511A; to provide for the creation, form, recording, modification, enforcement and termination of development agreements; and to require as a condition of a zoning ordinance map amendment approval that an owner of land make a written commitment concerning the use and/or development of that land.

B. APPLICABILITY:

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
It shall be a precondition of approval for all applications for a zoning ordinance map amendment by, or on behalf of, an owner that the owner enter into a development agreement acceptable to the City Council as part of receiving City Council approval of the zoning ordinance map amendment. At its sole discretion, the City Council may waive this requirement if it deems a Development Agreement is not needed.

C. See Appendix L for Development Agreements for a full description.

D. Fees: The City Council shall establish a fee for developing the development agreement and conducting reviews as part of its Fee Resolution.

Division 15 – Required Improvements and Surety Agreement

A. Purpose:
To provide for the creation, form, recording, modifications, enforcement, and termination of Required Improvements and Surety Agreements; and to require as a condition of approval of Planned Community and subdivision applications that an owner of land make a written commitment concerning the use and/or development of that land.

B. APPLICABILITY:
It shall be a precondition of approval for all Planned Community and subdivision applications by, or on behalf of, an owner that the owner, enter into a Required Improvement and Surety Agreement acceptable to the City Council as part of receiving City Council approval or conditional approval of a Planned Community or subdivision application. At its sole discretion, the City Council may waive this requirement if it deems such an agreement is not needed.

C. See Appendix K for required Improvement and Surety Agreements for a full description.

D. FEES: The City Council shall establish a fee for developing the Required Improvement and Surety Agreement and conducting reviews as part of its Fee Resolution.

Division 16 – Enforcement

A. Failure to Comply with any provision of this ordinance shall constitute a violation of this Development Code subject to the penalties and consequences herein.

B. Failure to Obtain a Permit: No land shall be developed or subdivided without the owner or developer first obtaining a permit pursuant to this Development Code. Failure to obtain the requisite permit before subdividing or developing land shall be a violation of this Development Code.
C. **Enforcement Actions:** Whenever City officials become aware of a violation of this ordinance, the Planning and Building Administrator shall initiate the following enforcement actions:

1. The Administrator shall notify the occupant, owner or developer of the violation by first class mail and/or by posting on the structure and/or site with a violation notice. The written letter or notice shall describe the violation, cite the section(s) of this Development Code being violated, and order the occupant, owner or developer to attain compliance within a specified time period not to exceed thirty (30) calendar days.

2. The Mayor may ask the City attorney to take immediate action, as authorized by Idaho Code §67-6527, to end the un-permitted activity.

3. If a permit is not subsequently issued to authorize the development activity, the Administrator may require restoration of the site to its original condition when applicable. Required restoration shall include the removal of any un-permitted structure(s) and restoration of vegetative cover where sites have been graded in violation of this ordinance.

4. Any person who receives a notice of violation may request inspection by Administrator to show that compliance has been attained within the time allowed, as set forth in subsection C1.

   a. File a written request with the Administrator for an extension of time to attain compliance, with such extensions being limited to a maximum of sixty (60) calendar days and culminating by an inspection to show that compliance has been attained. Such extension may or may not be granted at the sole discretion of the Administrator; or

   b. File an appeal of the Administrator’s notice, following the appeals procedure of this ordinance.

5. In the event that noncompliance with the conditions of approval is found and is continuing after due notice is made to the applicant as set forth in this Division, the Administrator shall have the authority to schedule a public hearing before the decision making body in conformance with Chapter III of this ordinance. At the conclusion of the public hearing, the decision making body shall have the authority to affirm, reverse, modify, in whole or in part, the approval; or make or substitute any condition or modify any existing condition that in its deliberations in may find warranted; or deny the application. In order to take action, except to affirm the original approval, the decision making body must find that there is violation of the conditions of approval within the authority of the decision making body and one or more of the following:
a. The violation has caused or will cause detriment to the public health, safety, or welfare;

b. The violation has created or will create undue adverse impact on adjacent properties;

c. The violation has caused or will cause the approved use to be served by inadequate or substandard public or private facilities, including but not limited to off-street parking and sanitation; or

d. The violation has impeded or will impede the normal development of abutting properties.

6. The Mayor may ask the City attorney to commence legal action, as authorized by Idaho Code §67-6527, against any occupant, owner or developer who fails to attain compliance within the specified time, or to show, on appeal, that a violation has not occurred.

D. Public Endangerment: The enforcement procedure provided here may be accelerated where the Administrator finds that public health and safety could be endangered by a violation. In such cases, the Mayor may ask the City attorney to take immediate legal action to end the danger to public health and safety.

E. Penalties: Violations of this Development Code shall be a misdemeanor, punishable by a fine in any amount not exceeding one thousand dollars ($1,000.00), or by imprisonment for a period of not longer than one hundred eighty (180) calendar days, or by both fine and imprisonment. Each day in which a violation continues shall be considered a separate offense. Deemed violators may be responsible for any cost incurred by the City of Island Park to enforce this code including City Attorney’s fees and court cost.
Chapter IV - Establishment of Zoning Districts

A. Zoning Districts: The following Zoning Districts and Overlay districts are established to achieve the purposes of this ordinance and to implement the Comprehensive Plan: (1) Residential, (2) Commercial, (3) Airport Overlay, (4) Critical Wildlife Overlay, and (5) Visually Sensitive Areas Overlay.

B. Official Zoning Map: The “Official Zoning Map of the City of Island Park” and all related overlay maps are adopted by reference and made a part of this ordinance. These maps are available for review at the Island Park City office during normal business hours.

C. Residential Zoning District Boundaries: Designated residential zones are established in the City of Island Park, the boundaries of which are shown on the “Official Zoning Map of the City of Island Park.” This district is intended to provide separate and distinct allowed residential uses based on the surrounding land uses, and the applicable comprehensive plan designation for the area. To provide options for applicants so they may develop areas with the most appropriate density based on the availability of, or programming of, urban public services, and as it relates to the surrounding land uses and the applicable comprehensive plan designation.

D. Commercial Zoning District Boundaries: Designated commercial zones are established in the City of Island Park, the boundaries of which are established by the “Commercial Zoning District Maps,” which are attached to and made a part of the “Official Zoning Map of the City of Island Park.” This district is intended to provide separate and distinct allowed commercial uses based on the availability of urban services, the surrounding land uses, and the applicable comprehensive plan designation for the area.

The Commercial Zoning Districts are:

- Last Chance Commercial Zone;
- Pond’s Lodge Commercial Zone;
- Phillips/Elk Creek Commercial Zone;
- Mack’s Inn Commercial Zone;
- Island Park Village/Sawtelle Commercial Zone;
- Aspen Ridge Commercial Zone;
- Valley View Commercial Zone; and
- Sherwood Museum Commercial Zone.
E. Overlay Zoning Districts: Designated overlay districts are established in the City of Island Park, the boundaries of which are established by the "Overlay Zoning District Maps", which are attached to and made a part of the "Official Zoning Map of the City of Island Park".

The Overlay Zoning Districts are:

Airport;
Wetlands;
Water Quality Vulnerability Areas;
Visually Sensitive Areas; and
Lodge;

F. District Boundary Disputes: Any person who disputes the location of a Zoning District or Overlay District boundary, as interpreted by the Planning and Building Administrator, subject to appeal to the City Council, as set forth in appeals procedures in Chapter III.

G. Interpretation:

A. Language:

1. Terminology: When used in this title, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive.

2. Number Of Days: Whenever a number of days is specified in this title, or in any permit, condition of approval, or notice issued or given as provided in this title, the number of days shall be construed as calendar days, except that such time limits shall extend to the following working day when the last of the specified number of days falls on a weekend or City of Island Park designated holiday.

3. Minimum Requirements: When interpreting and applying the regulations of this title, all regulations shall be considered to be minimum requirements, unless stated otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this title.

4. Defined Terms: Terms defined in Chapter X, Definitions, shall have their defined meanings when used elsewhere in this title. For the purpose of readability and clarity, such terms are not shown in initial caps.
5. Section Headings: Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

6. References: All references to state or federal laws and/or regulations shall refer to such laws and/or regulations as they may be amended over time.

7. Whole Numbers: Whenever a calculation or measurement results in a non-whole number, it shall be rounded down to the nearest whole number, unless the terms of a specific section of this ordinance dictates otherwise.

B. Measurements:

1. Structure height shall be measured as the vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

2. Linear distance shall be measured in a horizontal line; it shall not be measured along an inclined surface or line. For uses that have a separation standard, the distance shall be measured from the nearest customer entrance of the proposed use to the nearest property line of the specified use. The measurement is to be conducted in a radial fashion by the specified number of feet (e.g., 300 feet, 1,000 feet).

3. Illumination levels shall be measured with a calibrated photoelectric photometer or similar device capable of accurate measurement of light.

4. Noise levels shall be measured at the property line with a calibrated noise meter or similar device capable of accurate measurement of sound.

C. District Boundaries: Where uncertainty exists about the location of any district boundary shown on the official zoning map, the following rules shall be used to resolve the uncertainty:

1. Where a district boundary approximately follows a property line, such property line shall be construed as the district boundary.

2. Where a district boundary approximately follows a street, alley, or railroad line, such street, alley, centerline, or the extension of such line, shall be construed as the district boundary. Where a street or alley is officially vacated and that street or alley has not been given a zoning designation, the land that was formerly in the vacated street or alley shall have the same designation as the abutting property on either side of the centerline of the vacated street or alley.
3. Where a district boundary approximately follows a watercourse, the centerline of the watercourse shall be construed to be such boundary. In the event of a change in the watercourse shoreline, the boundary shall be construed as moving with the actual shoreline.

4. Where a district boundary does not obviously coincide with any of the above lines (property; street, alley, or railroad line; watercourse), or where it is not designated by dimensions, it shall be deemed to be located along nearest section, a quarter section, or a sixteenth section line.

D. Conflicting Regulations:

1. In case of conflict between the text and the maps of this ordinance, the maps shall prevail.

2. If conflicts occur between different regulations of this ordinance, or between this title and other regulations of the City, the most restrictive regulation shall apply.

3. It is not intended that this title interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; however, where this title imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger space than is imposed or required by ordinances, rules or regulations, or by easements, covenants, or agreements, the regulations of this title shall govern.
CHAPTER V

PERFORMANCE STANDARDS FOR ALL DEVELOPMENTS

This Chapter sets forth the absolute and relative performance standards apply to Class I and Class II Permit. This chapter also establishes the performance standards that apply to all development. Additional performance standards that apply only to commercial development appear in Chapter VI–Commercial Development Review Standards and additional performance standards that apply only to residential development appear in Chapter VII–Residential Development Review Standards.

Division 1 – Absolute and Relative Performance Standards

A. Absolute Performance Standards: The absolute performance standards require or prohibit certain kinds of performance in developments. Failure to comply with any absolute performance standard shall result in denial of the application for a permit.

B. Absolute Performance Standards: Exceptions.: The only exceptions to the requirements for compliance with all absolute performance standards shall be those specifically provided in this ordinance.

C. Relative Performance Standards: Relative performance standards address that allow a property developer to apply points toward meeting established standards through selecting from a 'menu' of compliance and performance options through the use of the point-scoring system. Relative performance standards also allow the City to encourage or discourage certain kinds of performance in developments through the use of the point-scoring system.

1. Importance Factors: This ordinance assigns an importance factor to each relative performance standard. Importance factors range from “1” to “5” and reflect the importance of the performance standard to which they are assigned in implementing the Comprehensive Plan and in comparison with other relative performance standards.

Importance factors shall be rated as set forth below:

Most Important 5
Important 4
Somewhat Important 3
Slightly Important 2
Least Important 1

2. **Point Assignment:** Point assignment provides a systematic technique for assessing the implementation of the relative performance standards. A positive assignment reflects the successful implementation of a relative performance standard, while a negative point assignment reflects a failure to implement a relative performance standard. Points shall be assigned to each development on the basis of its performance on each relative performance standard using these guidelines:

   a. Negative two (-2) points shall be assigned where there is essentially no effort to implement the performance standard.

   b. Negative one (-1) point shall be assigned where there is an inadequate attempt to implement the performance standard.

   c. Zero (-0) points shall be assigned where the performance standard is not relevant OR there is only minimally adequate implementation of the performance standard.

   d. Plus one (+1) point shall be assigned where there is a successful effort to implement the performance standard.

   e. Plus two (+2) points shall be assigned where there is an outstanding effort to implement the performance standard.

3. **Relative Performance Standards** may be designed to use the full point range described here or to discourage (using only negative point assignments) or encourage (using only positive point assignments) certain kinds of performance.

4. **Score:** The importance factor of each relative performance standard is multiplied by the points assigned to obtain a score.

5. **Cumulative Score:** Scores on individual relative performance standards are summed to calculate a cumulative score. If that cumulative score is not “0” or greater, the application for a permit shall be disapproved.

6. **The Available Point Range** for each relative performance standard is established and presented at the end of each written standard and appears as “-x/+y.” The importance factor is established and presented adjacent to the point range and is in parenthesis.
Division 2 – Performance Standards – Land Use Compatibility

A. Buffering Requirements: Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the City. The purpose of this division is to ensure that landscape buffers required by these regulations effectively accomplish those goals. –2/+2 (5).

1. Applicability: All commercial developments; residential developments creating more than two (2) dwelling units; Planned Communities; and subdivisions shall provide landscape buffers as required by this section. However, the Administrator may recommend and the Hearings Examiner may exempt developments from the buffer requirement if such a buffer would be out of character with the site and the surrounding area.

2. PROCESS:

A. A landscape and screening plan shall be required as a component of a Class II Permit.

1. The landscape and screening plan shall be prepared by a licensed landscape design professional.

2. The landscape and screening plan shall contain the following items:

   a. The location, size, and type of all proposed landscaping and screening materials (including specific references as to the species of plant materials), and verification that minimum landscaping and screening requirements have been satisfied. All plants shall be shown at seventy five percent (75%) mature growth.

   b. Existing vegetation to be saved shall be identified on the landscaping and screening plan along with protection measures to be used during grading and construction.

   c. If the proposed development project shall be completed in phases, the phases shall be noted on the landscape and screening plan.

B. Landscaping and screening shall be installed to the satisfaction of the Administrator, in accord with the approved landscaping and screening plan, by the beginning of the next planting season for that species after issuance of a certificate of occupancy for the project. The Administrator may, at his sole discretion, extend the time limit for compliance up to one additional planting season after issuance of a certificate of occupancy.
3. GENERAL LANDSCAPING STANDARDS:

A. For the purposes of this division, landscaping elements are all exterior enhancements of a project including, but not be limited to: deciduous trees (shade), evergreen trees, paths, site furniture, trellis, fences, walls, sound walls, shrubs, flowering plants, vines, pots, vases, window boxes, raised planters, and grade work such as berms, and swales.

B. Existing trees, native vegetation, and rare plants shall be retained wherever possible.

   1. Existing native vegetation may be accepted in lieu of new plantings, provided they contribute to achieving the intent of this section.

   2. To control erosion and soil loss, the existing vegetation shall only be removed from the current phase of the project.

C. Landscaped areas shall incorporate a hierarchy of plantings from ground covers to shrubs to trees. Shrub areas shall incorporate a vegetative ground cover wherever possible. If the site configuration or plant type prohibits the use of a ground cover in conjunction with the shrubs, bark or other mulch shall be provided.

D. The landscape plan shall include plant materials that provide seasonal color during the spring, summer, and fall.

E. Expanses of any walls or solid fences that are greater than one hundred feet (100’) along a roadway shall be interrupted with offsets and provided with accents to prevent monotony. For the purposes of this standard, accents shall include, but not be limited to, other landscape elements as listed in subsection A of this section.

F. All landscaping shall be designed to consider the microclimate of the site and surrounding properties by addressing sun, shade, and wind for increased energy efficiency.
1. Deciduous trees and evergreen trees shall be the preferred method of providing shade in parking lots and around structures.

2. Deciduous and evergreen trees shall be mixed to match the surrounding areas mixture of tree types.

3. If unenclosed air conditioning/heating systems are located on the west or south side of a structure, trees shall be planted so that, at maturity, they shade the unit during the months of July, August, and September.

4. Trees shall be planted so that, at maturity, they shade fifty percent (50%) of ground floor window surfaces on the west and south sides of each structure during the months of July, August, and September.

G. Landscaping elements shall not violate the clear vision triangle requirements at a street intersection as defined in Chapter V, Division 4, section (B)(3)(C) of this ordinance.

H. Installation of required landscaping shall be the responsibility of the property owner.

1. All plant materials shall be planted according to industry standards, using acceptable topsoil and automatically controlled irrigation system(s) as set forth below.

2. All proposed plant material shall be in accord with the American Association of Nurserymen standards in terms of size, character, and quality.

3. Trees planted within a sidewalk or other pedestrian traffic areas shall be installed with protective tree grates with expandable centers. The minimum size opening within the sidewalk shall be four feet by eight feet (4' x 8').

4. The following minimum plant sizes shall be required:

<table>
<thead>
<tr>
<th>Landscape Element (Plants)</th>
<th>Minimum Size At Planting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shade tree</td>
<td>1.5 inch caliper</td>
</tr>
<tr>
<td>Evergreen tree</td>
<td>7.5 feet in height</td>
</tr>
<tr>
<td>Shrub</td>
<td>5 gallon container</td>
</tr>
<tr>
<td>Parking lot shrub</td>
<td>5 gallon container</td>
</tr>
</tbody>
</table>
5. All landscaped areas shall be provided with an automated underground irrigation system of such design and capacity to satisfactorily serve the landscaped areas for a minimum period of two (2) years or two (2) growing seasons.

I. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.

1. All plant materials shall be pruned, trimmed, watered, and otherwise maintained to create an attractive appearance and a healthy growing condition. No trees shall be severely pruned or topped.

2. Dead, diseased, stolen, or vandalized plant materials shall be replaced no later than the next planting season.

3. Property owners shall keep landscaped areas free of weeds and trash.

4. Stolen, vandalized, or otherwise damaged fences and/or walls shall be replaced within thirty (30) days. Fences and/or walls shall be maintained to create an attractive appearance and so as not to create a nuisance. The Administrator may extend this time frame if weather and/or snow cover prevents compliance.

J. The Administrator may approve, or recommend approval of, alternative landscaping and screening standards, as set forth in this article, when the following findings can be made:

1. The overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article;

2. The existing conditions on or adjacent to the site including, but not limited to, differences in elevation, existing vegetation, or the location of existing structures or utilities would render application of the requirements of this article ineffective; and
3. The overall design shall not be detrimental to the public health, safety, and welfare.

4. GENERAL SCREENING STANDARDS:

A. Screening Elements: For the purposes of this article, screening elements shall include, but not be limited to: deciduous trees (shade and ornamental), evergreen trees, berms, solid fences, walls, and sound walls. Cyclone or chainlink fencing (with or without slats) shall not be deemed a screening material nor shall such fencing be eligible for points as set forth in table 2 of this division.

B. Solid Fence Or Sound Wall: Where a solid fence, wall, or sound wall is used for screening, the landscape plan shall incorporate vegetative materials along the length of the screening to soften the appearance of such features.

C. Trash Dumpsters: Trash dumpsters shall be fenced or enclosed and screened from public view. The sight obscuring screen shall be at least six feet (6’), but not greater than ten feet (10’), in height. One side of the enclosure may be left unenclosed or unscreened, provided that the trash dumpster shall not face a public roadway or an abutting residentially zoned property.

D. Outdoor Storage Areas: All outdoor storage areas shall be completely fenced or enclosed and screened from public view. The sight obscuring screen shall be at least six feet (6’), but not greater than ten feet (10’), in height. One side of the outdoor storage area may be left unenclosed or unscreened, provided that the materials stored in the area shall not be visible from a public roadway or an abutting residentially zoned property.

E. Loading Areas: Loading areas (including, but not limited to, loading spaces, loading docks, and service or maintenance areas) shall be screened from public view. In addition, loading areas that abut a residential subdivision and/or residential zoning district shall attenuate noise associated with such use by providing a sound wall and/or berm with screen plantings around the loading areas or at the property line abutting the residential subdivision or residential zoning district.

F. Berm Slopes: Berm slopes shall not exceed a rise to run ratio of one to two (1:2) and shall be a minimum of three feet (3’) in height.

G. Sound Walls: Sound walls shall meet all the following construction standards:

1. The wall shall be tall enough to break the line of sight from the noise emitter and the noise receiver on abutting property;
2. There shall be no break in the barrier between the noise emitter and the noise receiver on the abutting property;

3. The wall shall be constructed of a rigid, dense material that provides a noise reduction of ten (10) dBA greater than the expected reduction in the noise diffracted over the top of the barrier as certified by a licensed engineer or architect qualified in noise attenuation; and

4. Also see Chapter X, Figure 15.

H. For the purposes of this section, the location, height, and direction of the noise emitter and the location and height of the noise receiver on the abutting property shall be determined as follows:

1. For outdoor address systems, the noise emitter shall be at the height and location of the speaker and in the direction that the speaker is oriented.

2. For parking lots, the noise emitter shall be at a height of four feet (4') at any location where an automobile may travel and six feet (6') at any location where a truck or trailer may travel. The noise shall be measured in all directions that are not otherwise attenuated by a structure.

3. For loading areas, the noise emitter shall be at a height of six feet (6') above the floor of the loading dock. The noise shall be measured in all directions that are not otherwise attenuated by a structure.

4. The noise receiver on the abutting property with an existing structure shall be at a height of six feet (6') above the floor (including upper floors, if applicable) of the structure and any outdoor patio area.

5. The noise receiver on the abutting property where there is no existing structure shall be set at a height of six feet (6') at any location where a structure can be built.

5. PERIMETER LANDSCAPING AND SCREENING STANDARDS:

A. The intent of this section is to establish landscaping and screening standards required along the perimeter of the property. Table 3 of this section specifies the standards for the minimum depth and minimum number of landscape points required per ten (10) linear feet as measured along the property line.
B. Property Lines That Do Not Abut A Roadway: All permitted and accessory uses in a residential zoning district shall be exempt from the regulations of this section. Requirements of this section may be modified or waived by the commission for Class II Permit uses. Where the dimensional standards for the zoning district of the subject property, or the conditions imposed by the decision-maker, require a setback of ten feet (10') or more, the following shall apply, unless otherwise noted:

1. The minimum depth of the landscaped area shall be six feet (6').
2. Abutting a residential district, a minimum of sixteen (16) landscape points shall be required per ten (10) linear feet.
3. Abutting a commercial district, a minimum of eight (8) landscape points shall be required per ten (10) linear feet.
4. The Administrator may waive or recommend waiver of the perimeter landscaping requirements along portions of property lines not abutting a roadway where needed to accommodate construction of vehicular cross-access across property lines and where cross-access easements to adjacent properties are provided.
5. For the purposes of this subsection, if the zoning district of the subject property or the conditions imposed by the decision-maker, require a setback of less than ten feet (10'), no landscaping shall be required.

C. Property Lines That Abut A Roadway: State, arterial, collector, and local streets shall be as identified by the Fremont County street map functional street classification system.

**TABLE 3 MINIMUM REQUIRED DEPTH AND POINTS**

<table>
<thead>
<tr>
<th>Classification Of Street or Development Abutting Subject Property</th>
<th>Minimum Depth Of Landscaped Area</th>
<th>Minimum Points Required Per Ten Linear Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Highway in or abutting a residential zoning district</td>
<td>50 feet$^1$</td>
<td>22</td>
</tr>
<tr>
<td>State Highway in or abutting a commercial zoning district</td>
<td>25 feet</td>
<td>18</td>
</tr>
<tr>
<td>Arterial, collector, or local street in or abutting a residential zoning district</td>
<td>20 feet</td>
<td>12</td>
</tr>
</tbody>
</table>

$^1$ For the purposes of this subsection, if the zoning district of the subject property or the conditions imposed by the decision-maker, require a setback of less than ten feet (10'), no landscaping shall be required.
<table>
<thead>
<tr>
<th>Street Type</th>
<th>Separation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial, collector, or local street in or abutting commercial or industrial district</td>
<td>10 feet</td>
<td>10</td>
</tr>
<tr>
<td>Private road in a residential subdivision</td>
<td>None</td>
<td>0</td>
</tr>
<tr>
<td>Commercial development abutting an existing residential subdivision, existing single family residential development, multiple family residential development, or residential zoning district</td>
<td>25 feet</td>
<td>18</td>
</tr>
<tr>
<td>Multiple family residential development abutting and existing residential subdivision, single family residential development, or a residential zoning district</td>
<td>20 feet</td>
<td>12</td>
</tr>
<tr>
<td>Other street types, including but no limited to, Marginal Access Streets (Frontage, Backage streets and local access service roads), cul-de-sac streets, loop streets, alleys.</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Critical Areas - See Division 3 of this Chapter</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:
1. This standard may be reduced where the applicant provides a sound wall that mitigates noise levels to a comparable level as would be achieved by meeting the 50 foot separation.
2. To be determined by the Planning and Zoning Commission and/or City Council on a case-by-case basis.

D. Required Number Of Landscaped Units: Required number of landscaped units shall be based on a proportional scale. For example, if the landscaped area is 440 linear feet and 8 units were required per 10 linear feet, the total required points would be 352 (\([440 \div 10] \times 8 = 352\)).

E. Point Values: Table 4 of this section specifies the point value for each landscape element.

TABLE 4: LANDSCAPE ELEMENT AND ASSOCIATED POINT VALUE
<table>
<thead>
<tr>
<th>Landscape Element</th>
<th>Unit</th>
<th>Point Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shade tree (native)</td>
<td>per tree</td>
<td>10</td>
</tr>
<tr>
<td>Shade tree (other)</td>
<td>per tree</td>
<td>5</td>
</tr>
<tr>
<td>Evergreen tree</td>
<td>per tree</td>
<td>10</td>
</tr>
<tr>
<td>Shrub (native)</td>
<td>per shrub</td>
<td>3</td>
</tr>
<tr>
<td>Shrub (other)</td>
<td>per shrub</td>
<td>1</td>
</tr>
<tr>
<td>Flowering plants (perennial)</td>
<td>per 5 plants</td>
<td>1</td>
</tr>
<tr>
<td>Ground cover (drought tolerant or native)</td>
<td>per 100 square feet</td>
<td>3</td>
</tr>
<tr>
<td>Ground cover (other)</td>
<td>per 100 square feet</td>
<td>1</td>
</tr>
<tr>
<td>Berm¹</td>
<td>per 10 linear feet</td>
<td>4</td>
</tr>
<tr>
<td>Fence¹</td>
<td>per 10 linear feet</td>
<td>4</td>
</tr>
<tr>
<td>Wall¹</td>
<td>per 10 linear feet</td>
<td>4</td>
</tr>
<tr>
<td>Sound wall¹</td>
<td>per 10 linear feet</td>
<td>6</td>
</tr>
<tr>
<td>Boulder with 3 feet or greater circumference</td>
<td>per boulder</td>
<td>1</td>
</tr>
</tbody>
</table>

Note: 1. Where a berm is combined with a fence, wall, or sound wall, the points shall be cumulative.

6. Parking Area Landscaping and Screening Standards:

A. The minimum perimeter landscaping for the parking area shall be as established in subsection 5 of this division, as applicable. If perimeter landscaping is not required by subsection 5 of this division to buffer an abutting zoning district, the minimum width shall be six feet (6').

B. Any area with plant materials shall be a minimum of forty eight (48) square feet, with the narrowest dimension not less than six feet (6').
1. Trees shall be shown at seventy five percent (75%) maturity.

2. The percentage of area required to be shaded shall be the area of uncovered parking stalls and pedestrian routes only and shall not include driveways and interior traffic circulation aisles.

C. Berms, shrubs, and low walls (36 inches or less in height) shall be used to screen parking areas from public sidewalks. Shrub species shall be selected that do not exceed a height of thirty six inches (36”).

D. Where landscaping elements abut parking spaces, the applicant shall provide curbs, wheel stops, or two feet (2’) of additional landscaping planted in ground cover to protect shrubs and trees from damage by vehicles.

**Division 3 - Exterior Lighting Performance Standards**

1. **Purpose:** The general purpose of this ordinance is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process of review for exterior lighting. This ordinance establishes standards for exterior lighting in order to accomplish the following:

   a. To protect against direct glare and excessive lighting;
   
   b. To provide safe roadways for motorists, recreationalist, cyclists and pedestrians;
   
   c. To protect and reclaim the ability to view the night sky;
   
   d. To prevent light trespass in all areas of the City;
   
   e. To prevent skyglow;
   
   f. To promote efficient and cost effective lighting fixtures;
   
   g. To ensure that sufficient lighting can be provided where needed to promote safety and security;
   
   h. To allow for flexibility in the style of lighting fixtures;
   
   i. To provide lighting guidelines;
j. To reduce the impact on wildlife caused by light pollution;

k. To provide assistance to property owners and occupants in understanding the rules and regulations to protect the night sky; and

l. To work with Fremont County to meet the purposes of these regulations in the designated Area of City Impact.

2. **Applicability:** All exterior lighting installed after the effective date of this ordinance in all zoning districts shall be in conformance with the requirements established by this ordinance. All existing lighting installed prior to the effective date of this ordinance in all zoning districts in the City of Island Park shall be addressed as follows:

   a. All existing lighting located on a property that is subject to an existing application for a Class I or Class II permit or Building Permit that has not been completed or received a Certificate of Occupancy, final inspection, Certificate of Compliance or Final Plat recordation, is required to be brought into conformance with this ordinance, whichever is applicable to the initially submitted application for the subject property.

3. **General Standards:** The following general standards shall apply to exterior lighting installed after the effective date of this ordinance.

   a. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

   b. Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.

   c. Area lights. All area lights shall have eighty-five (85) degree full cut-off type luminaires.

4. **All applications** for a Class I or Class II permit or a Building Permit shall include lighting plans showing location, type, and height and lumen output of all proposed and existing exterior lighting fixtures. The Planning and Building Administrator, Planning and Zoning Commission, or the City Council on appeal, shall have the authority to request additional information in order to achieve the purposes of this ordinance.
5. Type of Luminaires.

A. All exterior lighting shall use full cut-off luminaires with the light source downcast and fully shielded, with the following exceptions:

1. Luminaires that have a maximum output of four hundred (400) lumens per fixture, regardless of number of lamps (equal to one forty [40] watt incandescent light), may be left unshielded provided the luminaire has an opaque top or is under an opaque structure. (see Figure 5).

2. Luminaires that have a maximum output of one thousand (1,000) lumens per fixture, regardless of number of lamps (equal to one sixty [60] watt incandescent light) may be partially shielded provided the lamp is not visible, and the luminaire has an opaque top or is under an opaque structure. (See Figure 3)

3. Floodlights with external shielding shall be angled provided that no light is directed above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way (see Figure 6). Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged.

4. Residential holiday lighting from November 1st to February 1st. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off by 11:00 p.m.

5. Commercial holiday lighting from November 1st to February 1st. Flashing holiday lights are prohibited. Holiday lights are encouraged to be turned off after the close of business.

6. Sensor activated luminaires, provided:

   a. It is located in such a manner as to prevent overlighting, glare, light trespass onto abutting properties or onto a public right-of-way;
   b. The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased;
c. The luminaire shall not be triggered by activity off the property.

7. Vehicular lights and all temporary emergency lighting needed by the Idaho Department of Transportation, Fremont County, Island Park Fire District, and/or the Fremont County Sherriff’s Department, the Idaho State Patrol, or other emergency services.

8. Uplighting for flags provided the flag is of a government and the maximum lumen output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.

9. Lighting of radio, communication, and navigation towers. Provided the owner, lessee, or occupant demonstrates that the Federal Aviation Administration (FAA) lighting regulations are being met.

10. Airport Lighting. Lighting at Henrys Lake Airport, provided the owner, lessee, or occupant demonstrates that the State of Idaho, Department of Transportation, Aeronautics Division regulations are being met.

11. Neon Lights. Neon lights permitted pursuant to the sign ordinance

12. Flag Poles: Upward flagpole lighting is permitted for United States and State of Idaho flags only, provided the flagpole is ground mounted and located at essential governmental facilities such as post offices, fire and police stations, and governmental offices.

13. Service Stations: The average foot-candle lighting level for new service stations is required to be no greater than thirty (30) foot-candles.

14. Canopy Lights: All lighting in newly installed or replaced canopies shall be recessed sufficiently so as to ensure the light source is not visible from or causes glare on any public right-of-way or adjacent property.

15. Landscape Lighting: Lighting of vegetation is discouraged but if used it shall be in conformance with this ordinance, including the prohibition of up-lighting.
6. Placement and Height Requirements

A. Luminaires used for playing fields shall be exempt from the height restriction provided all other provisions of this Article are met and the light is used only while the field is in use.

B. Placement and Height of Luminaires

1. Freestanding parking area luminaires on commercially zoned properties, multiple family residential developments, and public and quasi-public uses shall be no taller than twenty five (25) feet from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.

2. Freestanding luminaires in residential zones shall be mounted at a height equal to or less than the sum of \( H = \frac{D}{3} + 3 \), where \( D \) is the distance in feet to the nearest property boundary, but in no case shall not be higher than fifteen (15) feet from ground level to their tallest point, whichever is less. Lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.

3. Using the formula above:

<table>
<thead>
<tr>
<th>Pole Height</th>
<th>Distance to Property Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 feet</td>
<td>36 feet ( (36/3 = 12+3 = 15) )</td>
</tr>
<tr>
<td>12 feet</td>
<td>27 feet ( (27/3 = 9+3 = 12) )</td>
</tr>
<tr>
<td>9 feet</td>
<td>18 feet ( (18/3 = 6+3 = 9) )</td>
</tr>
</tbody>
</table>

4. Streetlights used on arterial roads may exceed twenty-five (25) feet in height, with the written recommendation of the Idaho Department of Transportation or the Fremont County Public Works Director, as applicable, and only with a finding that exceeding twenty-five (25) feet is necessary to protect the public health, safety, and general welfare of the property owners and residents of City of Island Park and the designated Area of City Impact.
5. Luminaires used for playing fields shall be exempt from the height restriction provided all other provisions of this Article are met and the light is used only while the field is in use.

7. Illuminance and Type of Lamp

A. Illuminance levels for parking lots, sidewalks, and other walkways affected by side-mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed illuminance levels listed in the most current IESNA Recommended Practices.

B. Parking lot lighting shall not exceed an overall average illumination of 1.5 footcandles.

C. Streetlights shall be high-pressure sodium, low-pressure sodium or metal halide, unless otherwise determined that another type is more efficient.

D. Streetlights, if used, along streets in residential areas shall be limited to a seventy (70) watt high-pressure sodium (hps) light with a lumen output of sixty-four hundred (6400). Street lights along non-residential streets or at intersections shall be limited to one hundred (100) watts hps, with a lumen output of ninety-five hundred (9500), except that lights at major intersections on state highways shall be determined by the Idaho Transportation Departments. If a light type other than high-pressure sodium, is permitted, then the equivalent output shall be the limit for the other light type (see Table 1).

E. All new commercial and residential exterior lighting shall not cause light trespass and shall protect adjacent properties from overlighting, glare, light trespass, skyglow, or glare.

8. Procedures

A. All applications for Class I or Class II Permits, subdivision approvals, sign permits (if illuminated), or building permits shall include lighting plans showing location, type, height, lumen output, and illuminance levels in order to verify that lighting conforms to the provisions of this appendix. All persons making application for permits and other matters herein referred to shall be required to submit to the Administrator an application, on forms provided by the Administrator, all information listed as required on those forms, and an application fee as set forth in the latest adopted version of the Fee Resolution adopted by the City Council.

B. The Administrator shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for a Class I or Class II
Permit, subdivision approval, sign permit, or building permit, to determine whether the exterior lighting complies with the standards of this appendix.

C. Building Permits. The Administrator shall review and determine whether or not the exterior lighting complies with the standards of this article as part of the Class I zoning review of any and all building permit reviews. This shall also apply to any sign permit where any type of illumination is proposed.

D. Class II permits (including those required to submit a lighting plan) and subdivision applications. The Administrator shall convey a written recommendation whether the exterior lighting complies with the standards of this Article to the Island Park Planning and Zoning Commission, or the Island Park Mayor and City Council, as the case may be, before any review or hearing for a permit or subdivision application. This shall also apply to any sign permit where any type of illumination is proposed.

E. For all other exterior lighting which must conform to the requirements of this Article, the Administrator shall determine whether or not the exterior lighting complies with the standards of this Article. All such decisions may be appealed to the City of Island Park City Council.

9. Tables and Information Sheets.

The attached figures shall be incorporated into this division as illustrations and guidelines for the public and the City for use in enforcing this division. The City does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by these examples. Additional information may be provided at the Island Park Planning and Building Department.
Full Cutoff Outdoor Lighting Fixture
2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018

Same fixture as above mounted incorrectly—defeating the horizontal mounting design. The fixture now produces direct glare and can also produce uplight at steeper mounting angles.
2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
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Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
Division 4 Sound Levels

A. No development or on-going land use is permitted to exceed the maximum sound level, as specified in Table V.1, at the property line of the lot or parcel containing the development or use.

<table>
<thead>
<tr>
<th>Receiving Use</th>
<th>MAXIMUM SOUND LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Sixty (60) dba, 7:00 A.M. to 10:00 P.M.</td>
</tr>
<tr>
<td></td>
<td>Fifty (50) dba, 10:00 P.M. to 7:00 A.M.</td>
</tr>
<tr>
<td>Commercial</td>
<td>Seventy (70) dba, at any time</td>
</tr>
</tbody>
</table>

Note: “db” is the measure of sound levels in A-weighted decibels.

1. Applicability: This performance standard applies to sounds generated by the on-going occupancy or operation of a development. It shall be unlawful for any person or business to make, cause, or allow loud or offensive noise by means of voice, musical instrument, horn, radio, loudspeaker, automobile, machinery, other sound amplifying equipment, domesticated animals, or any other means which disturbs the peace, quiet, and comfort of any reasonable person of normal sensitiveness residing in the area. Loud or offensive noise is that which is plainly audible within any residence or business, other than the source of the sound, or upon a public right of way, street, or private road at a distance of one hundred feet (100') or more from the source of said sound including sound generated by the operation of motor vehicles and heavy equipment on the site. This standard does not apply, however the movement of motor vehicles on public roads, the operation of farm machinery, the operation of watercraft, or other sources of noise that are not attributable to a particular development or land use.

2. Temporary Exception: The maximum sound levels of Table V.1 may be exceeded by construction, landscaping and landscape maintenance, and other maintenance activities between 7:00 A.M. and 10:00 P.M on normal business days.

3. Exemption: This chapter shall not apply to emergency vehicles, while acting in response to an emergency; airplanes and other FAA regulated aircraft; scheduled, organized sporting events; agricultural uses; Itinerant Vendors; or fairs;
4. Measurement: Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) “American Standard Specification for General Purpose Sound Level Meters.” The instrument shall be set to the A-weighed response scale and the meter to the slow response. Measurements shall be conducted in accord with the ANSI S1.2-1962 “American Standard Method for the Physical Measurement of Sound”. Measurements may be made at any point along the boundary line of the lot or parcel containing the noise source.

5. Burden of Proof. It shall be the sole burden of the complaining party to provide documented proof of an alleged violation of this subsection to the Administrator.

Division 5 – Performance Standards – Natural Resources

A. Critical Areas: Plant and Wildlife Habitat: Critical wildlife habitat areas shall be mapped including species of plants and animals listed as threatened or endangered on the endangered species act of 1973, species of greatest conservation need as listed within IDF&G's 2005 Idaho comprehensive wildlife conservation strategy, or defined within references used by IDF&G and other professional sources, critical wildlife habitat and wildlife migration corridors as determined by the Idaho Department of Fish and Game.

1. Plant and Wildlife Protection Plan – When Required: Applications for development on land that is in or adjoining a designated critical plant or wildlife habitat area or migration corridor shall:

A. Conduct a plant and wildlife survey. It shall include, but not be limited to:

1. species listed as threatened or endangered on the endangered species act of 1973;

2. species of greatest conservation need as listed within IDF&G's 2005 Idaho comprehensive wildlife conservation strategy, or defined within references used by IDF&G and other professional sources;

3. critical wildlife habitat and wildlife migration corridors as determined by the Idaho Department of Fish and Game;

4. current and historical observation and documentation of listed plants and animals using the property;

5. a description and map of the populations of wildlife and plant species that inhabit or use the site, including a qualitative description of their spatial distribution and abundance.

B. Plant and Wildlife Survey: The plant and wildlife survey shall be prepared at the applicant's expense under the direction of a qualified person who has demonstrated...
appropriate expertise in the fields of resource biology, fish and wildlife management, or similar disciplines. It may be subject to peer review at the applicant's expense.

1. The plant and wildlife survey shall be made part of the public record.

2. Plant and Wildlife protection plan. A plant and wildlife protection plan prepared by a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, or similar disciplines. The plan shall be reviewed by the State of Idaho Department of Fish and Game; US Forest Service and US Bureau of Land Management and their written comments, if any, made part of the public record. Such plant and wildlife protection plan shall include, but is not limited to the following components:

   A. Plant and wildlife survey and habitat assessment;

   B. Plant and wildlife protection plan:

      i. Identify the critical plant and wildlife habitat area, the principal species present, and species used as “indicators” in the habitat protection plan.

      ii. Identify existing elements of the plant species and areas and wildlife area, including sources of water, vegetative thermal cover, forage areas, active and inactive bald eagle nests, fish spawning areas, migration routes, trumpeter swan habitat and other key elements of the wildlife use areas.

      iii. Show how land disturbance will be minimized in order to maximize retention of large habitat patches.

      iv. Show how the site plan provides protection of listed plants and for movement of wildlife through or around developed areas and the connection of habitat patches.

      v. Show how disturbed areas will be re-vegetated with native plants and how re-vegetation will result in a volume, structure, and diversity of vegetation similar to that found in the existing habitat;

      vi. An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off site;

      vii. A list of proposed mitigation measures and an analysis of the probability of success of such measures;
viii. A plan for implementation, maintenance and monitoring of mitigation measures;

ix. A demonstration of prohibition of wildlife feeding;

x. A plan for any relevant enhancement or restoration measures, including noxious weed eradication and control; and

xi. A demonstration of fiscal, administrative, and technical competence of the applicant or other relevant entity to successfully execute the plan; including showing how property owners and occupants will be educated in order to promote long-term maintenance of the habitat protection features of the site plan.


4. City Council Review: If upon review of the application, the City Council determines that a conservation plan is necessary the City Council may require a conservation plan be prepared and submitted. If the city council determine that a conservation plan is required, the timeframe for a decision is tolled until the conservation plan is first considered by the decision making body.

C. Performance Standards: All development on land in or adjacent to critical wildlife areas shall comply with the following performance standards.

i. No development shall be located in designated migration corridors as set forth on the Critical Wildlife Maps or as identified on the wildlife protection plan.

ii. Development shall be located to avoid fragmentation of the designated summer/winter as set forth on the Critical Wildlife Maps or as identified on the wildlife protection plan.

iii. No development shall occur within three hundred (300) feet of a trumpeter swan nest or as identified on the wildlife protection plan.

iv. No development shall occur within one hundred fifty (150) feet of a trout spawning area unless the developer can demonstrate that the development will avoid runoff into the stream and have no detrimental impact on the water quality where the cutthroat trout spawning area as identified on the wildlife protection plan.

v. No development shall occur within three hundred (300) feet of an active or inactive bald eagle nest as identified on the wildlife protection plan.
vii. All newly installed or replaced fencing shall be wildlife friendly by complying with the following standards:

1. The fence shall not exceed thirty eight (38) inches in height.

2. The spacing between the top two (2) wires or the top rail and adjacent wire shall be at least twelve (12) inches.

3. Barbed wire shall not be used for the top or bottom strand and may be used only for middle strands.

4. The bottom rail or wire shall be at least sixteen (16) inches above ground.

5. Buck and rail fencing shall be prohibited unless required by rocky soil. When a buck and rail fence is necessary, a portion of the fence shall be laid down (November 1 to May 15) or constructed with a lower height not to exceed thirty eight (38) inches to allow wildlife movement.

6. Special purpose fencing may be exempted from these standards by the Administrator or the decision making body for dog kennels, agricultural fencing, swimming pool enclosure, construction site security, refuse screening and similar specialized needs.

7. Nothing in this section shall prevent regular maintenance and minor repairs of fencing.

D. Critical Areas-Wetlands:

1. All developments shall demonstrate compliance with all State and Federal wetland protection requirements and permitting. For the purposes of this section, wetlands are defined as those areas of the City of Island Park and the designated Area of City Impact that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas (army corps of engineer’s regulation, 33 CFR, 328.3, 1988) and tend to be found in transitional areas between dry land and water where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands, for the purpose of this classification, means an area where the following attributes, as defined in the current and future amended editions of "The Federal Manual For Identifying And Delineating Jurisdictional Wetlands" exist: a) hydrophytic vegetation, b) hydric soils, and c) wetland hydrology are met. The applicant or his agent shall not use the National Wetland Inventory (NWI) as the sole basis for determining
whether a wetland is present, since not all delineated areas on NWI maps are wetlands under Department of Army jurisdiction.

2. Permanently protecting jurisdictional and non-jurisdictional wetlands or enhancing wetlands by expanding them or improving their functional value shall be awarded positive scoring points. Positive points for wetlands enhancement shall be assigned only where the acreage of wetlands enhanced or restored is greater than the area disturbed. 

3. Wetlands may be modified for necessary utility lines, roads, and trails provided that the required State and Federal permits are obtained. However, such modification of wetlands will receive negative points, unless a wetland mitigation plan will provide new wetlands in a greater amount and an enhanced functional value than the wetlands disturbed, by the Corps of Engineers.

4. Process: Applications for development on land that is in or adjoining a designated wetland shall:

   a. Conduct a wetlands survey. It shall include, but not be limited to, current and historical observation and documentation of the site using a USGS approved methodology. A wetlands survey shall be prepared at the applicant's expense under the direction of a qualified person who has demonstrated appropriate expertise and training in wetlands issues and experience performing delineations, analyzing wetland functions and values, and analyzing wetland impacts or similar disciplines. It may be subject to peer review at the applicant's expense. The wetlands survey shall be made part of the public record.

   b. Include a wetlands protection plan prepared at the applicant's expense under the direction of a qualified person who has demonstrated appropriate expertise and training in wetlands issues and experience performing delineations, analyzing wetland functions and values, and analyzing wetland impacts or similar disciplines. The plan shall be reviewed by the State of Idaho Department of Fish and Game and the US Army Corps of Engineers and their written comments made as part of the public record.

E. Critical Areas-Stream, Lakeshore, Ponds and Wetlands Corridors and other water bodies: All development including land disturbing activities shall comply with the following standards:

   1. All development including land disturbing activities that is not exempted below shall be setback a minimum of seventy-five (75) feet from rivers, streams, lakes, reservoirs, ponds, wetlands, wetland corridor, and other water bodies. The
setback shall be measured from the top of bank or a mean high water mark, or wetland boundary, whichever is applicable and most restrictive.

**a.** Roads and utility lines may cross-stream or lakeshore corridors, but the number and width of such crossings shall be minimized. Irrigation works (dams, head gates, ditches, etc.) and hydroelectric power generation facilities may be placed in stream or lakeshore corridors, upon issuance of all required local, State and Federal permits.

**b.** Boat ramps, docks, and piers may be installed within stream and lakeshore corridor buffers provided they do not occupy more than ten percent (10%) of the stream or lake frontage on any lot or site or twenty four (24) feet of stream or lake frontage, whichever is more restrictive (note that State and Federal permits are required for the disturbance of stream channels or lakebeds).

**c.** Commercial marinas may be permitted to exceed the ten percent (10%) or twenty four (24) feet limitation stated above with docks, piers, boat ramps, and boat slips provided that:

   **i.** All parking, other uses and structures that do not require direct access to the water shall comply with the setback; and

   **ii.** Sufficient shoreline vegetation shall be retained or planted and buildings sited so as to provide predominantly natural background when the development is viewed from the lake.

**d.** Stream, lakeshore, ponds, and wetland corridor buffers shall be maintained as, or restored to native riparian vegetation. They shall not be developed except as specifically permitted by this ordinance.

**e.** The development setbacks required here shall be clearly shown on final site plans and final plats. The decision making body may determine that a final site plan shall be recorded with the Fremont County Recorder. If the decision making body requires recordation of a final site plan the developer shall bear the cost of recording.

2. The protection of stream, lakeshore, ponds and wetlands corridors as open space and the retention or restoration of riparian vegetation shall be required. The areas protected and retained shall be perpetually protected as open space. 2/+2 (3).

3. In addition positive points may be awarded for:
a. Providing for public access to stream, lakeshore, ponds, or wetlands corridors; 0/+2(3)

b. Increasing the setback beyond the minimal requirements. Compliance with the seventy-five (75) foot minimum setback requirements shall receive an award of zero (-0-) points only. 0/+2(3)

F. Critical Areas-Slopes:

1. No development shall be permitted on any slope exceeding thirty percent (30%) grade, or on slopes identified as unstable.

2. Protection of slopes steeper than fifteen percent (15%) grade and other slopes identified as unstable shall be required. The areas protected shall be perpetually protected as open space 2/+2 (4).

3. Also see Appendix I, Hillside Development Standards.

G. Critical Areas - Water Quality Vulnerability Area. Those areas, as defined in Chapter X, Definitions, which have been identified as needing central or community sewer systems to avoid surface and ground water pollution. The provision of central or a community (on-site) sewer system is required.

Division 6 –Performance Standards – Design

A. Safe Access-Construction/ITD: All developments shall comply with the following vehicular access requirements:

1. All development and lots shall have direct legal and physical access to a public or private road, street or highway.

2. Direct access to arterial roads and highways shall be limited to minimize congestion created by turning movements. Two (2) or more accesses onto the same arterial road or highway from the single development shall be separated by a minimum distance of three hundred (300) feet. However, the City Council may approve accesses that are separated by less than three hundred (300) feet when necessary to accommodate unique site conditions and/or provide a second access for firefighting purposes.
3. Lots for single-family residences shall take direct access from a local residential street and may take direct access from an arterial road or highway only if no other access option exists and the development cannot provide a local residential street due to site limitations.

4. All subdivisions or developments containing six (6) or more dwelling units, or with a distance of more than six hundred sixty (660) feet from a public road which is maintained on a year round basis, shall provide a minimum of two (2) points of ingress and egress from the public road or highway serving the development. “Loop” systems that return to a single point to a public road or highway may be acceptable for relatively small subdivisions or developments (one hundred (100) or less projected ADT). The determination of the ATD count shall be by an Idaho licensed traffic engineer performing a traffic study. The final study shall be submitted as part of the application materials. Said study shall become part of the public record. The cost of such a study shall be at the expense of the developer.

5. Commercial development shall take direct access from an arterial road or highway. Commercial development shall not take direct access from a local residential street or road or a private street or road unless no other access option exists and the developer cannot provide an alternative access road due to site limitations.

6. Developments with points of access to a State highway shall obtain approval for those points of access from the Idaho Transportation Department and comply with this ordinance. Written approval from the Idaho transportation Department for points of access onto a State highway shall be submitted as part of the application materials.

7. All accesses and related roadway improvements, such as turning lanes, acceleration and deceleration lanes, striping, and signage, shall be constructed at the expense of the developer.

B. Performance Standards for the Design and Construction of Roads: The purpose of this ordinance is to provide standards for the construction or re-construction of roads. All new roads shall comply with the road design standards and road construction standards of this ordinance. All reconstructed roads shall comply with the road construction standards of this ordinance.

1. Acceptance and Maintenance Responsibility: Nothing in this ordinance shall imply acceptance of a street or road by the City Council of the City of Island Park for maintenance or other purposes. Such acceptance shall be established only in accordance with Idaho statutory procedures for acceptance of streets and roads.

2. Jurisdiction: State highways are the responsibility of the Idaho Transportation Department and the design and construction standards of this department shall apply to such highways. Fremont County roads and streets are the responsibility of Fremont County and the design and
construction standards Fremont County shall apply to such roads and streets. Streets in the
corporate limits of the City of Island Park shall be private streets unless they are under the
jurisdiction of the Idaho Transportation Department or Fremont County.

3. **Design Standards:** New private streets shall be designed to comply with the standards set
forth in Appendix E of this ordinance.

C. **Clear Sight Vision Distance:** Clear vision triangles shall be provided as follows:

1. **Street intersections:** The clear vision triangle includes the area defined by the
right-of-way lines or easement lines of the intersecting streets measured to a point
on each line thirty (30) feet from the point of intersection, and the straight line that
connects the two points, creating the third side of the triangle; and

2. **Other Points of Access:** The clear vision triangle includes the area defined by
the right-of-way line or easement line of the street and the near edge of the
driveway/access measured to a point on each line fifteen (15) feet from the point of
intersection, and the straight line that connects the two points, creating the third side
of the triangle.

3. **No fence,** solid wall, planter, hedge, shrub, or other visual obstruction more than
three (3) feet in height above the adjoining roads shall be permitted within a clear
vision triangle.

4. **Trees shall** be permitted in clear vision triangles, but only if all branches are
removed to a height of at least seven (7) feet above the grade of the adjoining
roads.

D. **Standards for Off-Street Parking and Loading:**

1. **Purpose:** These performance standards are intended to prevent
traffic congestion by requiring off-street parking and loading facilities.

2. **Required Parking, Uses Not Listed in Table VD(1).** The required off-street parking for
any building, structure, or use of land not listed in this Zoning Code shall be determined
by the City Council. The City Council shall be guided as much as possible by comparison
with similar uses that are listed.

3. **Off-Street Parking Required:** All buildings and uses shall provide the minimum number of
off-street spaces required by Table VD (1). Parking spaces and access routes shall be
improved and maintained so as to be accessible and useable during the time that the building
or buildings are in use.

4. Mixed use Projects. Mixed Use Projects shall provide the required loading spaces for the use that requires the greatest number of loading spaces. If the number of required loading spaces for the residential, commercial, or industrial uses is equal, the loading space with the greater dimensional requirements shall be required.

<p>| TABLE V D (1) REQUIRED PARKING SPACE BY USE |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Required Number Of Automobile Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Auto use:</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile, recreational vehicle, or heavy equipment sales</td>
<td>1 per 1,200 square feet of gross floor area</td>
</tr>
<tr>
<td>Automobile, recreational vehicle or heavy equipment service or repair</td>
<td>1 per service bay</td>
</tr>
<tr>
<td>Car wash</td>
<td>1 per 2 drying stations</td>
</tr>
<tr>
<td>Junkyard or automobile wrecking yard</td>
<td>1 per 500 square feet of gross floor area</td>
</tr>
<tr>
<td>Transit facility</td>
<td>1 per 2 employees</td>
</tr>
<tr>
<td>Truck stop</td>
<td>1 per 500 square feet of gross floor area</td>
</tr>
<tr>
<td><strong>Cultural and recreational:</strong></td>
<td></td>
</tr>
<tr>
<td>Bowling alley</td>
<td>2 per lane</td>
</tr>
<tr>
<td>Campground</td>
<td>2 per campsite plus 1 per 2 employees</td>
</tr>
<tr>
<td>Country club, social hall or indoor recreational facility</td>
<td>1 per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Golf course</td>
<td>2 per hole</td>
</tr>
<tr>
<td>Activity</td>
<td>Required Ratio</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Golf driving range</td>
<td>1 per 2 driving stations</td>
</tr>
<tr>
<td>Movie theater</td>
<td>1 per 8 seats</td>
</tr>
<tr>
<td>Outdoor recreation facility - open space</td>
<td>4 per acre</td>
</tr>
<tr>
<td>Outdoor recreation facility or structure</td>
<td>1 per 8 seats</td>
</tr>
<tr>
<td>Recreation vehicle park</td>
<td>1 per space</td>
</tr>
<tr>
<td>Shooting range, indoor or outdoor</td>
<td>1 per target and/or shooting station</td>
</tr>
<tr>
<td>Sports fields</td>
<td>20 per acre</td>
</tr>
</tbody>
</table>

**Industrial:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Required Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor's yard or shop</td>
<td>1 per 1,000 square feet of gross floor area plus 1 per employee</td>
</tr>
<tr>
<td>Manufacturing, processing (product, chemical, agricultural), research and development, brewery or distillery, winery, recycling, or centralized power facility</td>
<td>1 per 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Storage, agricultural uses, landfill, railroad, remediation, pit, mine, quarry, or landing field</td>
<td>1 per 2 employees</td>
</tr>
<tr>
<td>Storage facility, self-service</td>
<td>1 per entrance to the site</td>
</tr>
<tr>
<td>Vehicle impound yard</td>
<td>1 per 2 employees, plus 1 per 4 acres</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 per 4,000 square feet of gross floor area</td>
</tr>
</tbody>
</table>

**Institutional:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Required Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery</td>
<td>1 per 2 employees</td>
</tr>
<tr>
<td>Church</td>
<td>2 per 8 seats in main sanctuary</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per bed, plus 2 per 2 employees</td>
</tr>
<tr>
<td>Public owned buildings</td>
<td>1 per 500 square feet of gross floor area</td>
</tr>
<tr>
<td>Public utility and infrastructure facility, excluding substations</td>
<td>1 per 2 employees</td>
</tr>
</tbody>
</table>

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
<table>
<thead>
<tr>
<th>School, public or private:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>1 per 2 employees, plus 1 per 12 students</td>
</tr>
<tr>
<td>Middle, junior high, and senior high</td>
<td>1 per employee, plus 1 per 6 students</td>
</tr>
<tr>
<td>School, vocational or trade</td>
<td>1 per 4 students</td>
</tr>
</tbody>
</table>

| Office and business services:                 |                                      |
| Animal clinic, animal hospital or veterinary office | 1 per 500 square feet of gross floor area |
| Auction establishment, outdoor                | 1 per 2 attendees                     |
| Business, personal services or professional office | 1 per 500 square feet of gross floor area |
| Clinic, medical (excluding animal or veterinary) | 2 per 500 square feet of gross floor area |
| Commercial kennel                             | 1 per 1,000 square feet, plus 1 per employee |
| Composting facility, commercial               | 1 per 2 employees plus 1 per acre     |
| Crematory                                     | 1 per 8 seats in chapel               |
| Daycare center                                | 1 per 2 employees, plus additional spaces or child loading area shall be specified in the conditional use permit |
| Hotel or motel                                | 1 per sleeping room, plus 1 for each employee on the maximum shift |
| Conference room or areas                      | 0.3 per seat with fixed seating or 0.3 per each 35 square feet with no fixed seating |
| Truck and boat/ATV/ snowmachine               | Ten percent (10%) of the total parking spaces required for multiple residential, hotel or resort. Stall angle, length, and width 90° 40 feet by 10 feet. Each parking space shall be |

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<table>
<thead>
<tr>
<th>Use Type</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodge⁶</td>
<td>1 per sleeping unit or bedroom</td>
</tr>
<tr>
<td>Laundry or linen service</td>
<td>1 per 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Mortuary</td>
<td>1 per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Nursery, wholesale</td>
<td>1 per 4,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Office, temporary construction</td>
<td>1 per 2 construction employees</td>
</tr>
<tr>
<td>Package and letter delivery service</td>
<td>1 per 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Residential:</td>
<td></td>
</tr>
<tr>
<td>Adult respite care center</td>
<td>1 per 2 employees, plus additional spaces or client loading area shall be specified in the conditional use permit</td>
</tr>
<tr>
<td>Dwelling, multi-family:</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>1.5 per dwelling unit</td>
</tr>
<tr>
<td>2 - 3 bedrooms</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>4+ bedrooms</td>
<td>3 per dwelling unit</td>
</tr>
<tr>
<td>Visitor parking</td>
<td>0.25 per dwelling unit for all multi-family dwellings</td>
</tr>
<tr>
<td>Dwelling, single-family attached or detached or additional dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Family daycare, home</td>
<td>None</td>
</tr>
<tr>
<td>Foster home, group</td>
<td>1 per 2 employees</td>
</tr>
<tr>
<td>Group daycare facility</td>
<td>4, provided that on site parking may be reduced by the number of on street parallel parking spaces in front of the structure</td>
</tr>
<tr>
<td>Manufactured home park</td>
<td>1 per space</td>
</tr>
</tbody>
</table>

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Nursing facility, skilled | 1 per 8 beds
---|---
Residential treatment facilities | 1 per 6 beds
Seasonal housing | 1 per 2 sleeping rooms
Boarding house | 1 per 2 sleeping rooms
Transient rental | 2 per bedroom. Also see Appendix D for further off-street parking requirements

Retail:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult entertainment establishment</td>
<td>1 per 100 square feet of gross floor area</td>
</tr>
<tr>
<td>Agricultural produce stand</td>
<td>4 per each establishment plus 1 per 200 square feet of area dedicated to the sale, display and storage of produce</td>
</tr>
<tr>
<td>Gas station</td>
<td>1 per 2 pumps</td>
</tr>
<tr>
<td>Restaurant, bar or brewpub</td>
<td>1 per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Retail store</td>
<td>1 per 500 square feet of gross floor area</td>
</tr>
<tr>
<td>Retail, supply and durable goods</td>
<td>1 per 1,200 square feet of gross floor area</td>
</tr>
<tr>
<td>Roadside produce stand</td>
<td>4 per each establishment plus 1 per 200 square feet of area dedicated to the sale, display and storage of produce</td>
</tr>
</tbody>
</table>

Footnotes:

1. Gross floor area shall be the measure of total square footage of habitable space of a structure.

2. For fixed bench seating, one seat shall mean twenty four inches (24") of linear length of bench.

3. The number of employees shall be based on employees present during the largest shift.
4. Other uses (transportation, communications, and utilities, wholesale trade) shall provide one parking space for each anticipated employee plus one and one parking space for each anticipated vehicle, plus one. Where a place of assembly does not have fixed seating, one space shall be provided for each twenty five (25) square feet of assembly area. Off-street parking requirements for different uses in the same building shall be calculated separately.

5. Parking lots, spaces, and parking facilities shall comply with the American with disabilities act accessibility guidelines.

6. Lodge. If other associated uses are proposed (for example restaurant, retail store), off-street parking requirements for different uses in the same building or on the same property shall be calculated separately.

3. Shared Off-Street Parking: Off-street parking shall be provided on the same lot and under the same ownership as the use it serves, except that two (2) or more uses may share a parking area where;

   a. The total number of spaces provided is not less than the sum of the parking spaces required for all buildings or uses served; and 

   b. A contract providing for shared parking for a period of ten (10) or more years is executed before approval of a permit and recorded before issuance of a certificate of compliance.

4. Location of Off-street Parking: Required off-street parking spaces shall be within six hundred (600) feet of a main entrance of the building or use being served, except for spaces serving a dwelling unit, which shall be within one hundred (100) feet of the unit served.

   a. Snow Storage Areas: Wherever public parking, public or private streets, or other uses requiring the removal of snow are identified, the developer shall provide specific site locations protected for the storage of snow and the consequences of melt water. If an off-site location is identified, the developer shall provide evidence of perpetual commitment, to be so designated on the plat, to allow the storage of snow. Snow storage areas shall not be less than thirty three percent (33%) of parking, sidewalk, and driveway areas. This area shall not be designated between any property line and setback line. Snow storage shall not be permitted to reduce the size of any required off-street parking or loading area.

   Owner Responsibility: It shall be the duty of the owner, or representative of the owner or owners, of each parcel or real property within the City to clear off snow, maintain free from snow, sufficient space on such real property as is necessary to meet the off-street parking requirements for such parcels and structures.

5. Passenger Loading Areas: Day care centers, pre-schools, public schools, and places for public assembly shall provide at least one (1) safe off-street passenger loading area. Such areas shall be located where there is adequate visibility for their safe use and; 

   a. Be divided from the road by a curbed barrier of at least four (4) feet in width;
b. Be at least sixty (60) feet in length and twelve (12) feet wide;
c. Accommodate one (1) way traffic only;
d. Comply with the American with disabilities act design guidelines; and
e. Be marked by pedestrian crossing signs facing both traffic lanes.

6. Off-Street Loading Areas:

a. Required Off-Street Loading Space. One (1) off-street loading space shall be provided and maintained for every building or separate occupancy having a gross floor area of ten thousand square feet (10,000 ft²) or more, which requires the receipt or distribution of goods, material, merchandise or supplies by vehicle. One (1) additional loading space shall be provided for each additional twenty thousand square feet (20,000 ft²) of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater.

b. No off-street loading area shall be located in any fire lane, off-street parking space(s) or off-street parking aisles.

c. Each required off-street loading space shall not be less than twelve feet (12’) in width, sixty-five feet (65’) in length, and fourteen feet (14’) in height. Such required off-street loading space shall be provided on the same lot as the building or principal use. Such Loading Space shall also include off-street maneuvering area separate from any required off-street parking spaces or any other required areas or spaces.

7. Access to Off-Street Parking and Loading Area: Access driveways shall be provided for safe access to all off-street parking and loading areas.

a. No parking area shall be designed or constructed to create a situation in which vehicles are required to back onto a public road.

b. Parking and loading areas shall be sited and designed to minimize the number of access points to arterial roads. No off-street parking and loading area shall have direct access to a State Highway.

c. No access driveway shall be within twenty four (24) feet of any intersection or alley or ten (10) feet of another access point. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.
d. No access driveway to an arterial road shall be within sixty (60) feet of an intersection of the arterial road and a local street, or two hundred (200) feet of an intersection of two (2) arterial roads.

e. No structures, signs or fences are allowed in the clear vision triangles for all access driveways.

f. Commercial access driveways shall be designed to accommodate the reasonably anticipated level of use. No access driveway shall approach a public road at a grade of more than twelve percent (12%).

g. Where culverts are required for drainage, access driveways shall be constructed over a minimum twelve (12) inch culvert capable of supporting a load of eighty thousand (80,000) pounds.

8. Circulation within Off-Street Parking Areas: The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, prevent accidents by minimizing the random movement of automobiles, facilitate safe access to public streets and allow for sufficient snow storage and maintenance.

a. Minimum aisle widths shall be:

i. For two-way circulation and/or ninety degree (90°) angle parking: twenty four (24) feet;

ii. For one-way circulation and sixty degree (60°) angle parking: eighteen (18) feet;

iii. For one-way circulation and forty five degree (45°) angle parking: fifteen (15) feet; and

iv. For one-way circulation and thirty degree (30°) angle parking: thirteen (13) feet.

b. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

c. Parking areas shall be designed to allow access to all parts of the parking area without accessing a public road.
9. **Protecting Pedestrians in Off-Street Parking and Loading Areas**: There shall be safe pedestrian access around or through all parking and loading areas.

F. **Critical Areas—Wildfire Hazards**: See Appendix F, Wildland-Urban Interface

G. **Public Access:**

1. No development shall eliminate historically existing public access through private lands to public lands or to public water resources.

2. The provision for new public access to public lands or water resources shall be required. The access may be for vehicular or pedestrian access. 0/+2 (3)

3. All commercial developments that include existing or planned winter use trails as identified on the most current version of the Fremont County Winter Use Trail Plan; the most current version of the US Forest Service Ashton/Island Park Summer Visitors Map; and all state and federal land management plans must provide a safe to the following standards:

   a. Must be minimum width of twenty two (22) feet;
   
   b. Must be well marked to trail or route standards;
   
   c. Must be maintained and kept free of any hazards;
   
   d. Must be routed to minimize pedestrian and/or vehicle traffic encounters.

H. **Private Utilities:**

1. Rights-of-way or easements for utility services that comply with the standards of the utility shall be provided. A written statement of from each utility provider approving the location and width of their respective right-of-way or easement shall be provided.

2. Written certification from each utility provider verifying that available capacity exists to serve the proposed development and committing to provide the utility service to the proposed development also is required.

3. All utilities shall be underground and provided to each lot or development before road surfaces are constructed. Utility line crossings under roads must be shielded or sleeved.

I. **Runoff and Erosion Control**: All development applications shall include a storm water management and erosion control plan and comply with the following performance standards:
1. The storm water management and erosion control plan shall be prepared by a registered engineer licensed in the State of Idaho and include but not be limited to the following components:

a. Existing features of the proposed development site including but not limited to property boundaries, topography, natural drainage ways, water courses, wetlands, floodplain, landslide areas and unstable soils;

b. The area of proposed land disturbance, and locations of temporary stockpiles of topsoil/dirt and storage areas;

c. Proposed development including impervious surfaces by type and area;

d. Storm water calculations for a one hundred (100) year storm event using the Modified Rational Method;

e. Proposed storm water management techniques and structures;

f. Plans for re-vegetation and stabilization of disturbed areas;

g. Erosion control techniques including but not limited to silt fencing and hay bales;

h. Areas and facilities on-site and down slope that are vulnerable to damage from accelerated or increased runoff; and

2. Proposed starting and completion dates of the land disturbing activities and the phasing sequence for land disturbance.

3. All development shall comply with the following storm water management and erosion control standards.

a. No development shall increase the rate of storm water runoff from the site over the runoff rate that existed before the development.

b. Storm water runoff shall be managed to avoid erosion.

c. Detention basins or other storm water facilities shall be provided with sufficient capacity to maintain the post-development storm water runoff rate equal to or lower than the pre-development rate.
d. Developments shall not discharge storm water runoff or winter snow melt directly into any existing stream, pond, lake or waterway.

e. Grading shall not significantly alter natural drainage ways and shall preserve the natural contours and earth forms as much as possible.

f. Cuts and fills shall be minimized and cut and fill slopes shall be graded to a slope no steeper than two to one (2:1) to accommodate permanent vegetation, unless a retaining wall is approved.

g. The tops and toes of cut and fill slopes shall be set back a minimum of five (5) feet from a property line.

h. Retaining walls taller than four (4) feet shall be designed by a registered engineer licensed in the State of Idaho.

i. Re-vegetation shall stabilize disturbed areas that are not covered by impervious surfaces.

j. Wind and water erosion shall be minimized with the use of silt fences, hay bales or similar control measures, and by minimizing the amount of disturbed area at any one time.

J. (1) Solid Waste: Residential:

Solid waste shall be stored in an enclosed building or in certified bear-resistant containers, and be handled in a manner that does not:

1. Attract bears, rodents, flies, or other animals;

2. Generate offensive odors or create liquid runoff; and

3. Permit the blowing of paper and other lightweight waste.

4. For Transient Rental uses:
   i. The owner shall, as part of the application submittal materials, certify that owner, their agent, or the users of the transient rental shall be responsible for removal of solid waste from the property; or
   ii. A signed, and notarized, written documentation of a contract for solid waste removal shall be submitted as part of the application materials. Thereafter, annually a current contract to remove solid
waste shall be submitted to the Administrator on or before the anniversary date of the approval of the Permit. Failure to submit a current annual contract shall immediately cause the Permit to become in non-compliance with the provision of this Section and the Administrator shall commence to notify the Applicant of non-compliance as set forth in sub-section N.

5. All residential solid waste handling and storage areas shall be effectively screened from public view by enclosure in a building, location on the property, or construction of a fence or wall. This includes expansions of existing solid waste handling and storage areas.

J. (2) Solid Waste: Commercial:

Solid waste shall be stored in an enclosed building or in certified bear-resistant containers, and shall be clearly marked "Not For Public Use", and be handled in a manner that does not:

a. Attract bears, rodents, flies, or other animals;

b. Generate offensive odors or create liquid runoff; and

c. Permit the blowing of paper and other lightweight waste.

d. All commercial solid waste handling and storage areas shall be effectively screened from public view by enclosure in a building, location on the property, or construction of a fence or wall. This includes expansions of existing solid waste handling and storage areas.

K. Construction in Easements: No building shall be placed in any utility or irrigation easement, public or private. Wire or rail fences, or solid wood fences with a removable section across the easement may be constructed across easements if expressly permitted by the terms of the easement or permitted in writing by the beneficiary of the easement.

L. Electrical Disturbance: No development or on-going land use shall create electrical interference that adversely affects other uses.

M. Constructing Requirements: Work hours 7:00 AM to 7:00 PM. Dust control measures must be used. Each lot owner and/or occupant shall at all times keep the premises, and building site in a safe, clean, neat and sanitary condition and shall comply with all laws, ordinances and regulations pertaining to health and safety. Each lot owner and/or builder shall provide for the removal of trash and rubbish from the premises. Notice to surrounding area property owners if blasting or other unusually loud activities will occur.
1. Temporary dangerous conditions must be clearly designated and barrier blocking installed.

N. Natural Features Analysis: The following features shall be mapped, described, or noted as not applicable, in the natural features analysis:

1. Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, lakeshores, ponds or lakes, wetlands, wetland corridors, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high groundwater areas, and seasonal high groundwater areas, natural drainage swales, throughout the site.

2. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Fremont County soils survey (United States department of agriculture, natural resources conservation service).

3. Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas:
   a. greater than thirty percent (30%)
   b. between twenty five percent (25%) and thirty percent (30%);
   c. between fifteen percent (15%) and twenty five percent (25%);
   d. between eight percent (8%) and fifteen percent (15%);
   e. between zero percent and (0%) eight percent (8%).
   f. Contour lines based on USGS datum of 1988 with intervals of not more than five feet (5') for properties with a general slope of greater than five percent (5%), or intervals of not more than two feet (2') for properties with a general slope of less than or equal to five percent (5%). Contour lines shall extend a minimum of three hundred feet (300') beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility.

4. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species.

5. Sensitive Plant And Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho
conservation data center (state of Idaho department of fish and game) and the US Forest Service and the US Bureau of Land Management.

6. Historic Resources: Analysis of existing historic resources as identified on the State of Idaho historic resources inventory.

7. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.

8. Impact On Natural Features: The applicant shall provide a written statement explaining how the design of the plat protects or mitigates impacts on the natural features of the site.

9. Map Features: The map shall show important features, including, but not limited to, the following: outline of existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries, and section lines.

10. Other Supplemental Data: Other supplemental data may be required by the Administrator including, but not limited to, the following:

   a. Approximate location of any areas of fill.

   b. The elevations of all corner points on the boundaries of the proposed development.
CHAPTER VI

COMMERCIAL DEVELOPMENT REVIEW STANDARDS

The standards of this chapter apply specifically to commercial development and are in addition to other standards established in Chapter V.

Division 1 - General Provisions

A. For commercial developments, the application materials required by Chapter III shall include architectural elevations, a master signage plan, and any other information required to clearly demonstrate compliance with the requirements of this ordinance.

B. **Master Planning Required:** Any application for a Class II permit to develop land shall include the entire contiguous holdings of the property owner and may be disapproved solely on the basis that it fails to show an overall plan for the development of the entire contiguous holdings of the property owner.

C. **Design:** Every parcel or lot created shall be capable of accommodating a use permitted by this ordinance, including, but not limited to, the required sewage disposal facilities and water supply.

D. **Improvements:** Off-site improvements may be required based on the development’s impact, at the expense of the developer. All required improvements shall be installed and maintained in compliance with the performance standards of this ordinance.

E. **Development Rights:** The developer proposing to develop land must supply documentation of clear title and all encumbrances to the land to be subdivided. A developer proposing to develop land on which he/she has a contract or option to purchase also shall present a letter from the current owner authorizing the application, at the time of submittal of the Class II application.

Division 2 - ALLOWED USES:

Unless otherwise specified in the specific use standards of Appendix D of this ordinance, table 1 of this Division lists Class I, Class II, Class III, and prohibited (-) uses within the commercial zoning district.

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
A. Class I uses shall be reviewed in accord with the specific use standards in Appendix D of this ordinance and the standards of Chapter 5 and standards of Chapter VI of this ordinance, unless specifically exempt.

B. Class II uses shall be reviewed in accordance with the procedures in Chapter III of this ordinance, the specific use standards of Appendix D of this ordinance and the standards of Chapter VI of this ordinance.

C. Class III uses shall be reviewed in accord with the procedures in Chapter III this ordinance, the specific use standards in Appendix D of this ordinance, and the standards of Chapter VI of the ordinance.

**TABLE 1: ALLOWED USE WITHIN COMMERCIAL ZONING BASE DISTRICTS**

<table>
<thead>
<tr>
<th>Use</th>
<th>Class I</th>
<th>Class II</th>
<th>Class III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory use</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Adult Entertainment Establishment</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Amusement or Recreation Facility, Indoor</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Amusement or Recreation Facility, Outdoor</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Animal Boarding with Outdoor Runs</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Animal Clinic, Animal Hospital, or Veterinary Office</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Asphalt or Concrete Ready Mix Plant</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Automobile, Major Repair</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Automotive, Hobby</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Automotive, Vehicle, left on private property</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Automobile or Recreational Vehicle Sales or Service</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Bank</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Bar, Brewpub, or Nightclub</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Bed and Breakfast Establishment</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Boarding House</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Boathouse</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Campground</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Car Wash</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Cemetery</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Children’s Treatment Center</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Church (also see Place of Religious Worship)</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Clinic, Medical (Excluding Animal or Veterinary)</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Club or Lodge or Social Hall</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Concrete Ready Mix Plant (See Asphalt or Concrete Ready Mix Plant)</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Contractor’s Yard or Shop</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Crematory</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Daycare Center, Family Daycare Home, Group Daycare Facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daycare Center</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Family Daycare Home</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Group Daycare Facilities</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Drive-up Window Service</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Drug and Alcohol Treatment Facility</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Duplex or Single Family Attached Dwelling</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dwelling, Caretaker for an Approved Use</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Dwelling, Secondary Attached or Detached</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dwelling, Single Family Detached</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Farm, Garden, Lumber, or Building Supply Store</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Fence: Barbed Wire, Electric Wire or Other</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Flammable Substance Storage</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Foster Home, Group</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Gasoline, Diesel, or Alternative Fuel Sales Facility</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Golf Course and Country Club</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Heavy Equipment Sales or Service</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Home Occupation (also see Residential Business)</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Junkyard or Automobile Wrecking Yard</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Kennel, Commercial</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Kennel, Hobby</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Laundromat</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Lodge</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Multi-Family Development</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Nursery, Wholesale or Retail</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Nursing Facility, Skilled</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Office Building</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Office, Relating to an Approved Use</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Office, Temporary Construction</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Pit, Mine, or Quarry</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
</tbody>
</table>
DIVISION 3 – LAND USE COMPATIBILITY

A. Performance Standards for Commercial Development: Commercial development shall be confined to the designated Commercial Zones established by this ordinance as identified in Chapter IV. Commercial development should follow the traditional small-scale resort pattern and aesthetic design for the area.

1. The proposed development, as expressed in the site plan, compatible with the character of the City of Island Park in regard to lot coverage, building bulk, building height, and aesthetic design. –2/+2 (5)

2. Building Height. The maximum building height is thirty-five (35) feet, except where 1) building height is restricted in visually sensitive areas, or 2) the building height is restricted by the requirements of the Island Park Fire District.
3. Building setbacks. See Table 2

<table>
<thead>
<tr>
<th>Minimum Setbacks (In Feet)</th>
<th>Commercial land use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Abutting Commercial</td>
<td>Abutting Residential</td>
</tr>
<tr>
<td>Front yard setback</td>
<td>20</td>
<td>32</td>
</tr>
<tr>
<td>Side street setback</td>
<td>20</td>
<td>32</td>
</tr>
<tr>
<td>Interior side yard setback</td>
<td>0</td>
<td>32</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>0</td>
<td>32</td>
</tr>
</tbody>
</table>

Footnotes:
1. Abutting means Adjacent as defined in Chapter X, Definitions, of this ordinance: Adjacent includes all lots or parcels that directly border or abut another lot or parcel, and all lots or parcels separated from that lot or parcel by a public or private easement or right-of-way, including roads, streets, public utilities, and irrigation canals.
2. Mandatory, regardless of whether the property is zones so or how it is used (i.e. a residential use on abutting commercial property is deemed to be residential. (Ord. 19-164, 10/24/2019)

4. The setback from rivers, lakes, streams ponds and wetlands, wetland corridors, and other water bodies and other waterways and plant and wildlife protection areas as identified on a plants and wildlife protection plan shall not be reduced to below seventy-five feet (75'), or those listed in Chapter V Division 5, Subsection E Critical Areas-Streams, Lakeshores, Ponds and Wetland Corridors, or other water bodies, of this ordinance, whichever is more restrictive.

5. Lot Coverage. None, provided all other requirements and standards of this ordinance are met.

Division 4 - Natural Assets
A. Visually Sensitive Areas: All commercial development is prohibited in visually sensitive areas as viewed from public roads and bodies of water. Visually sensitive areas are delineated on the Natural Resource Inventory Maps. For the purposes of this chapter, visually sensitive areas are designated as FG-1/A, FG-1/B, MG-1/A MG-1/B, MG-2/A, and MG-2/B on the Natural Resource Inventory Maps. Regardless of their inclusion in a designated area, however, areas platted before February 24, 1997 shall be exempt from this prohibition. -2/+2 (5)

B. Commercial developments shall be designed to preserve the scenic qualities of visually sensitive areas. -2/+2 (5)

C. All developments shall be restricted to a maximum height or twenty five (25) feet, in any “high” sensitive zone. Building height is defined in Chapter X, Definitions.

<table>
<thead>
<tr>
<th>DISTANCE ZONE</th>
<th>SENSITIVITY ZONE</th>
<th>VARIETY ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FG – Foreground</td>
<td>1 – High Sensitivity</td>
<td>A – Unique</td>
</tr>
<tr>
<td>MG – Middle ground</td>
<td>2 – Average Sensitivity</td>
<td>B – Common</td>
</tr>
<tr>
<td>BG – Background</td>
<td>3 – Low Sensitivity</td>
<td>C – Minimal</td>
</tr>
</tbody>
</table>

D. Hazardous Substances:

1. Any development that stores or handles hazardous substances shall demonstrate continuing compliance with all State and Federal requirements for the storage and handling of hazardous substance.

2. No development that stores or handles hazardous substances shall be located in any critical area (i.e. visually sensitive, critical wildlife habitat, and/or flood hazard area), established by this ordinance. The Administrator may recommend and the City Council may approve exceptions for minimal uses.

Division 5 - Utilities
A. **Water Quality and Supply:** Evidence shall be provided that an adequate quantity and quality of water is available for the proposed development. The required evidence may be in the form of documented experience with existing wells that are geologically similar on neighboring sites or records of on-site well tests.

B. **Public Central Sewerage:** If located in the Fremont County Sewer, connection to that system is required. All proposed connection to an existing central sewage system must be approved by the sewer entity, with a will serve letter submitted as part of the application materials. -2/+2(5)

C. **On-Site Sewage Disposal:** If not located in the Fremont County Sewer, an on-site sewage disposal system may be required. All on-site sewage disposal systems shall be sited, designed and constructed in compliance with all State and Federal standards. -2/+2(5)

D. **Individual Septic Systems.** If located outside of the Fremont County Sewer, use of individual septic systems may be allowed, subject to the permitting and approval authority of the Eastern Idaho Public Health District.

E. **Central or Community Water:** Connection to or provision of a central or community water system. -2/+2(5)

F. **Private Water Well.** If not connected to a public water system or a community water system, a individual water well may be permitted subject to the permitting and approval of the Idaho Department of Water Resources.

**Division 6 – Commercial Design**

A. **Signs:** All commercial development shall comply with the sign regulations established in Appendix A.

B. **Commercial Design:** All commercial development shall comply with the Island Park Guide to Commercial Design as adopted by the 2014 City of Island Park (as adopted by the City Council by resolution No. 14-38), or as hereinafter may be amended.
CHAPTER VII

PERFORMANACE STANDARDS
FOR RESIDENTIAL DEVELOPMENTS

The standards of this chapter apply specifically to residential subdivisions and development and are in addition to the standards established in Chapter V.

DIVISION 1 - GENERAL PROVISIONS

A. Master Planning Required: Any application for a Class II permit to develop land shall include the entire contiguous holdings of the property owner and may be disapproved solely on the basis that it fails to show an overall plan for the development of the entire contiguous holdings of the property owner.

B. Subdivision Design: Every parcel or lot created shall be capable of accommodating a use permitted by this ordinance, including, but not limited to, the required sewage disposal facilities and water supply.

C. Improvements: Off-site improvements may be required based on the development's impact, at the expense of the developer. All required improvements shall be installed and maintained in compliance with the performance standards of this ordinance.

D. Development Rights: The developer proposing to subdivide land must supply documentation of clear title and all encumbrances to the land to be developed. A developer proposing to develop land and on which he/she has a contract or option to purchase also shall present a letter from the current owner authorizing the application, at the time of submittal of the Class II application.

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A. Class I uses shall be reviewed in accord with the specific use standards in Appendix D of this ordinance and the standards of Chapter 5 and standards of this Chapter, unless specifically exempt.

B. Class II uses shall be reviewed in accordance with the procedures in Chapter III of this ordinance, the specific use standards of Appendix D of this ordinance and the standards of this Chapter.

C. Class III uses shall be reviewed in accord with the procedures in Chapter III this ordinance, the specific use standards in Appendix D of this ordinance, and the standards of this Chapter.

### TABLE 1: ALLOWED USE WITHIN Residential ZONING DISTRICT

<table>
<thead>
<tr>
<th>Use</th>
<th>Class I</th>
<th>Class II</th>
<th>Class III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory use</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Automotive, Hobby</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Automotive, Vehicle left on private property</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Boathouse</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Duplex or Single Family Attached Dwelling</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dwelling, Caretaker for an Approved Use</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dwelling, Secondary Attached or Detached</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dwelling, Single Family Residential</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Home Occupation (also see Residential Business)</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lodge</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Multi-Family Development</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Office, Temporary Construction</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Place of Religious Worship (See Church)</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Property Reduced By Governmental Action</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Public or Quasi-Public Use</td>
<td>X</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Recreational Vehicle, Seasonal Use</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Residential Business</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Produce Stand</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Temporary Use</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Towers or Antenna</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Transient Rental</td>
<td>-</td>
<td>X</td>
<td>-</td>
</tr>
<tr>
<td>Wind Energy System</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Wind Energy System</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
Division 3– Land Use Compatibility

A. Performance Standards for Residential Development: Residential development shall be confined to the designated Residential Zones established by this ordinance as identified in Chapter IV.

1. Lot Coverage: fifty percent (50%) with one (1) dwelling and associated accessory structures per lot.

2. Building Height.

   (A) Single family dwellings, the maximum building height is thirty-five (35) feet, except where building height is restricted in visually sensitive areas.

   (B) Detached accessory buildings or structures: The maximum building height is thirty-five (35) feet, except where building height is restricted in visually sensitive areas.

   (C) Multiple family dwellings. The maximum building height is thirty-five (35) feet, except where building height is restricted in visually sensitive areas.

   (D) Manufactured Homes (whether in a Park or as a single family dwelling). The maximum building height is thirty-five (35) feet, except where building height is restricted in visually sensitive areas.

3. Installation of landscape buffers between neighboring uses shall be installed in accordance with buffer requirements of this ordinance.

4. Multiple family residential developments and manufactured home parks shall be sited and designed to route traffic to arterial roads, rather than through existing single family residential subdivisions or developments –2/+2 (3).

3. Building Setbacks. The setbacks of Table VII.1 are maintained from all property lines or that the setbacks comply with a. or b. below:

   a. In subdivisions platted and recorded prior to July, 1, 1993. New construction shall be found compatible where the setbacks provided by the covenants are observed, provided that:
i. The front setback along arterial roads shall not be reduced below fifty (50) feet;

ii. No setback will be insufficient for access by fire fighters as determined, in writing, by the Island Park Fire District Fire Chief.

iii. The setback from rivers, lakes, streams, ponds, and wetlands, wetland corridors, and other bodies and other waterways and plant and wildlife protection areas as identified on a plants and wildlife protection plan shall not be reduced to below seventy-five feet (75'), or those listed in Chapter V, Division 5, Subsection E Critical Areas-Streams, Lakeshores, Ponds and Wetland Corridors, or other water bodies, whichever is more restrictive.

b. In residential subdivisions platted and recorded on or before February 24, 2011 and where recorded covenants do not dictate front, side, and rear setbacks for single family dwellings may be found compatible where the proposed single family dwelling location is consistent with previous surrounding development. It shall be the responsibility of the property owner to demonstrate compatibility with this exception by providing the Administrator with a scaled drawing of the subject lot and abutting lots on which existing structures are accurately located and the front, side, and rear setbacks are shown. If the drawing shows that the proposed setbacks are consistent with, or greater than, those on at least 50% of the abutting lots, the Administrator may find the proposed development is compatible, provided that:

i. The front setback along arterial roads is not reduced to below fifty (50) feet;

ii. No setback is insufficient for access by firefighters as determined, in writing by the Island Park Fire District; and

iii. The setback from rivers, lakes, streams, ponds and wetlands, wetland corridors, and other water bodies and other waterways and plant and wildlife protection areas as identified on a plants and wildlife protection plan shall not be reduced to below fifty (50) feet, or those listed in Chapter III, Division 3 of this ordinance, whichever is more restrictive.

### TABLE VII.1. – SETBACKS FOR SINGLE FAMILY DWELLINGS

<table>
<thead>
<tr>
<th>Yard</th>
<th>Setback (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard, arterial streets</td>
<td>Fifty (50) feet</td>
</tr>
</tbody>
</table>

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
Division 4 – Natural Assets

A. Critical Areas/Visually Sensitive Areas: Visually sensitive areas are established by this ordinance as delineated on the Natural Resource Inventory Maps. The delineation is based on the view from public roads and bodies of water. For the purposes of this ordinance, visually sensitive areas shall be limited to those designated FG-1/A, FG-1/B, FG-2/A, FG-2/B, MG-1/A, MG-1/B, MG-2/A, and MG-2/B on the Natural Resource Inventory Maps. Regardless of their designation, however, areas platted on or before February 24, 2011 shall not be considered visually sensitive.

1. Residential developments shall be designed to maintain the scenic qualities of visually sensitive areas and shall be allowed only in developments that use density transfer or cluster development into a small portion of the visually sensitive area to leave the visually sensitive area undeveloped -2/+2 (5)

2. All developments and/or individual dwellings or structures shall be restricted to a maximum height or twenty five (25) feet, in any “high” sensitive zone. Building height is defined in Chapter X, Definitions.

<table>
<thead>
<tr>
<th>DISTANCE ZONE</th>
<th>SENSITIVITY ZONE</th>
<th>VARIETY ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FG – Foreground</td>
<td>1 – High Sensitivity</td>
<td>A – Unique</td>
</tr>
<tr>
<td>MG – Middle ground</td>
<td>2 – Average Sensitivity</td>
<td>B – Common</td>
</tr>
<tr>
<td>BG – Background</td>
<td>3 – Low Sensitivity</td>
<td>C – Minimal</td>
</tr>
</tbody>
</table>

Division 5 - Utilities

A. Water Quality and Supply: Evidence shall be provided that an adequate quantity and quality of water is available for the proposed development. The required evidence may be in the form of documented experience with existing wells that are geologically similar on neighboring sites or records of on-site well tests.
B. **Public Sewer:** If located in the Fremont County Sewer, connection to that system is required. All proposed connection to an existing central sewage system must be approved by the sewer entity, with a will serve letter submitted as part of the application materials. -2/+2(5)

C. **On-Site Sewer:** If not located in the Fremont County Sewer and on-site sewage disposal system may be required. All on-site sewage disposal systems shall be sited, designed and constructed in compliance with all State and Federal standards. -2/+2(5)

D. **Individual Septic Systems.** If located outside of the Fremont County Sewer, use of individual septic systems may be allowed, subject to the permitting and approval authority of the Eastern Idaho Public Health District. Where reliance on individual septic systems is permitted, evidence shall be presented at the time of submittal of the Class II permit application, that each proposed lot in a subdivision, or each individual residential dwelling unit subject only to a Class I permit review, or the development has a septic system permit that has been approved by the Eastern Idaho Public Health District.

E. **Central or Community Water:** Connection to or provision of a central or community water system. Developments with an average density of one dwelling per acre or greater shall be required to install and maintain a central domestic water supply system that meets, and has been approved by all applicable State and Federal agencies, and is operating in compliance with state monitoring requirements. Where reliance on a central or community water supplies is proposed, evidence shall be provided that an adequate quantity and quality of water is available for the proposed development. -2/+2(5).

F. **Private Water Well.** If not connected to a public water system or a community water system, an individual water well may be permitted subject to the permitting and approval of the Idaho Department of Water Resources. Where reliance on individual water supplies is permitted, evidence shall be provided that an adequate quantity and quality of water is available for the proposed development. The required evidence may be in the form of documented experience with existing wells that are geologically similar on neighboring sites or records of on-site well tests.

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**Division 6 – Density Levels**

A. **Residential Development: Average Density:** An average density is assigned to all undeveloped lands based on the land type pursuant to Table VII.3 (unused portions of existing, occupied subdivision lots are not undeveloped lands). Any increase in density shall be by Density Bonus only, as described in this Division.
B. Residential Development-Exception to Average Density:

1. One (1) dwelling may be built on any undeveloped lot or parcel that was in existence on or before February 24, 2011, regardless of that lot or parcel size, provided all structures on the parcel comply with the setbacks from property lines and water bodies established by this ordinance, verification of approved water and wastewater systems is provided and all requirements of the Class I permit procedure are fulfilled. Acceptable proof of the prior existence of a parcel shall be actual separate ownership, as shown by recorded deeds or the instruments of conveyance. No separate parcels exist within contiguous lands held by same owner, regardless of how those lands are or have been described in deeds or other instruments.

   a. Regardless of adjoining lot size, no lot in the proposed subdivision shall be less than one half (1/2) acre in size.
   b. Absolute minimum lot size, regardless of “bonus” points one half (1/2) acre.

<table>
<thead>
<tr>
<th>Visually Sensitive Area</th>
<th>Site characteristics</th>
<th>Average density, one dwelling per:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All #1 Sensitivity zones, and all “A” Variety zones</td>
<td>Wetlands, slopes over thirty percent (30%)</td>
<td>Ten (10) acres*</td>
</tr>
<tr>
<td>All “2” Sensitivity zones, and all “B” Variety zones</td>
<td>Water body corridors, slopes fifteen percent (15%) to thirty percent (30%)</td>
<td>Five (5) acres*</td>
</tr>
<tr>
<td>All “3” &amp; “C” non critical zones</td>
<td>Other non critical areas</td>
<td>One (1) acre</td>
</tr>
</tbody>
</table>

Note 1: Where site characteristics overlap, the most restrictive density assignment shall apply. State health regulations and/or State of Idaho Department of Fish and Game critical wildlife areas, or other such critical factors may prevent a development from attaining the average density or lot size permitted by these regulations. These densities are averages, allowing the developer flexibility in the actual arrangement of lots and subdivision design.
C. Cluster Development: Cluster development is required in all Visually Sensitive Areas.

D. Open Space Criteria: All cluster developments must maintain a minimum of thirty percent (30%) contiguous dedicated open space set aside to be awarded positive points. The open space set aside shall protect productive agricultural land, stream/water body corridors, critical wildlife areas, visually sensitive areas, or steep slopes. 0/+2 (5)

E. Density Bonus for Cluster Development: Cluster development shall be encouraged by the award of density bonus points. Cluster developments shall be designed to protect open space and limit the development of critical areas or visually sensitive areas by concentrating development into a relatively small portion of a site. Cluster developments do not site dwellings in critical areas, but critical areas may be included as open space set aside. All cluster developments shall comply with all absolute performance standards of this ordinance and have a positive score on the applicable relative performance standards. Developed lots in cluster developments are generally designed to consist of lots no less than one-half (1/2) acre in size, with an average lot size in compliance with Table VII.3

F. Development Density Calculation: The total number of lots allowed in a development are calculated by adding the base density lots permitted by land type as contained in Table VII.3, and adding bonus lots using the following equation:

1. (Number of base density lots) X (bonus points/one hundred (100) = number of bonus lots.

EXAMPLE EQUATION:

\[ A = \text{Base number of lots calculated in Table VII.3.} \]
\[ B = \text{Number of cumulative relative performance standard points /one hundred (100)} \]
\[ C = \text{Number of maximum bonus lots (not to exceed thirty percent (30%) over base calculation)} \]
\[ D = \text{Total number of lots allowable} \]

For example only, there are forty (40) lots calculated as per Table VII.3., there are also twenty eight (28) cumulative performance standard points.

\[ (A) \quad (B) \quad (C) \quad (D) \]
\[ 40 \times 0.28 = 11 \quad 40 + 11 = 51 \quad \text{(all numbers are rounded down to the lower whole number)} \]
2. Regardless the number of bonus lots calculated, the total number of allowable lots in a development will not exceed one hundred thirty percent (130%) of the base density level as calculated in Table VII.3.

G. Cluster Development in Undeveloped or Underdeveloped Plats: Cluster developments may be sited within existing, but undeveloped, or largely undeveloped subdivisions, provided that the existing plat shall be amended or replaced to reflect the new development pattern and unused streets and lots vacated to the maximum extent feasible.

Division 7 – Residential Design

A. Private Driveways: Private driveways are permitted to provide shared access to a maximum of two (2) single-family dwelling units pursuant to the standards in Table VII.4.

1. Private driveways are not required to be paved;

2. A perpetual use easement shall be recorded with the Fremont County Recorder to secure the legal access to each dwelling;

3. The easement shall be monumented in accordance with Idaho State Statutes.

<table>
<thead>
<tr>
<th>Maximum Slope</th>
<th>Maximum Units Served</th>
<th>Minimum Easement Width When Serving 2 Units</th>
<th>Minimum Surface Width</th>
<th>Maximum Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fifteen Percent (15%)</td>
<td>Two (2)</td>
<td>Thirty Four (34) feet</td>
<td>Fourteen (14) feet</td>
<td>Six Hundred-Sixty (660) feet</td>
</tr>
</tbody>
</table>

B. Off-Street Parking Required: Also see Chapter V. All residential dwelling units shall provide at least two (2) off-street parking spaces per unit that comply with the following standards.

1. Location of Off-street Parking. Required off-street parking spaces shall be within 100 feet of the dwelling unit served.
2. No access driveway to a local road shall be within twenty four (24) feet of any intersection or alley or ten (10) feet of another access point. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.

3. No access driveway to an arterial road shall be within sixty (60) feet of an intersection of the arterial road and a local street, or two hundred (200) feet of an intersection of two (2) arterial roads.

4. No structures, signs or fences are allowed in the clear vision triangles for all access driveways. See Chapter V.

5. Transient Rental uses are required to provide off-street parking as set forth in Appendix D.

Division 8 - Manufactured Home Parks

A. Standards for Manufactured Home Parks All required improvements shall be installed and maintained in compliance with the performance standards of this ordinance.

1. Short-Term Occupancy: Manufactured home parks which permit short-term (less than one (1) month) occupancy shall be classified as commercial rather than residential use. See Chapter X.

3. Manufactured Home Park Improvements: See Appendix D, Specific Use Standards.

4. Outside of Parks: Manufactured homes as defined in Chapter X may be placed at any location within the City of Island Park where a detached single family dwelling can be located in compliance with this ordinance.

Division 8 - Manufactured Home Subdivisions

1. A manufactured home subdivision shall meet the standards of a single family residential subdivision.

2. Manufactured homes shall be as defined in Chapter X of this ordinance.
CHAPTER VIII

AIRPORT OVERLAY ZONING DISTRICT

Purpose: The purpose of the Airport Overlay Zoning District (AOZD) is to provide for the safety of aircraft pilots and passengers and protect a substantial investment of public funds by assuring that land development and construction activities within the AOZD are compatible with the safe, continued use of the airports in the City of Island Park. Furthermore, the City of Island Park finds that aviation hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared:

(a) That the creation or establishment of an aviation hazard is a public nuisance and an injury to the community served by the airport in question; and

(b) That it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of aviation hazards be prevented.

Definitions:

Aviation hazard: Any new or existing structure, object of natural growth, use of land, or modification thereto, which endangers the lives and property of users of an airport, or of occupants of land in its vicinity, and that reduces the size of the area available for landing, taking off and maneuvering of aircraft, or extends up into the airspace between airports to cause disastrous and needless loss of life and property.

Aviation hazard area: Any area of land or water upon which an aviation hazard might be established if not prevented as provided in this chapter.

Approach Surface: A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plain view, the perimeter of the approach surface coincides with the perimeter of the approach zone.
**Primary surface:** A rectangular surface at runway elevation and centered longitudinally on the runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having non-precision instrument approaches.

**Approach surface:** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250 feet for that end of a utility runway with only visual approaches.

**Transitional surface:** A surface that extends laterally up and away at right angles to the runway centerline and the runway centerline at a slope of 7 feet horizontal to 1 foot vertical. from the sides of the approach surfaces.

**Horizontal surface:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for all runways designated as utility or visual.

**Henry's Lake Airport:** A State of Idaho owned utility airport with a utility runway.

**Obstacle Free Zone (OFZ):** The OFZ is the airspace below 150 feet above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for frangible visual NAVAIDs that need to be located in the OFZ because of their function, in order to provide clearance protection for aircraft landing or taking off from the runway, and for missed approaches.

The OFZ is sub-divided as follows:

1. Runway OFZ: The airspace above a surface centered on the runway centerline.
2. Inner-approach OFZ: The airspace above a surface centered on the extended runway centerline. It applies to runways with an approach lighting system.

3. Inner-transitional OFZ: The airspace above the surfaces located on the outer edges of the runway OFZ and the inner-approach OFZ. It is 300 feet in length for runways with lower than 3/4-statute mile approach visibility.

Runway Protection Zone (RPZ): An area off the runway end to enhance the protection of people and property on the ground. It is 1,000 feet in length as measured 200 feet from the end of a runway.

Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

Utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

A. Height Limitation Zones: The AOZD is composed of several height limitation zones, which include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces appurtenant to the Henry’s Lake Airfield. These zones are shown on supplements to the Official Zoning Map of the City of Island Park as established by this ordinance. An area located in more than one of these zones is considered to be only in the zone with the more restrictive height limitation.

1. Utility Runway Visual Approach Zone: The inner edge of the approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Zones: The Transitional Zones are the areas beneath the transitional surfaces.

3. Horizontal Zone: The Horizontal Zone is established by swinging arcs of five thousand (5,000) feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Zone does not include the approach and Transitional Zones.

4. Conical Zone: The Conical Zone is the area that commences at the periphery of the Horizontal Zone and extends outward there for a horizontal distance of four thousand (4,000) feet.

B. Height Limitations: No structure or tree shall be allowed to exceed the height limitations established in this section.
1. **Utility Runway Visual Approach Zone:** Slopes twenty feet (20) outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

2. **Transitional Zones:** Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition, there are transitional sloping seven feet (7) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

3. **Horizontal Zones:** One hundred fifty (150) feet above the airport elevation.

4. **Conical Zones:** Slopes twenty (20) feet outward for each foot upward beginning at the edge of the horizontal zone and at one hundred fifty (150) feet above the airport elevation, and extending to a height of three hundred fifty (350) feet above the airport elevation.

5. **Exception from Height Limitations:** Nothing in this ordinance shall prohibit the construction or maintenance of any structure of thirty (30) feet or less in height, or the growth of any tree to a height up to thirty (30) feet above the surface of the land within the horizontal and conical zones.

C. **Use Restrictions:** No use within any zone established by this chapter shall create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or in any way endanger or interfere with the operation of aircraft.

D. **Permits: Additional Requirements:** Permit requirements for all development activity are established in Chapter III.B. within the AOZD, permit requirements shall be expanded to include the planting of any tree with a growth habit of more than thirty (30) feet and the construction of any building or structure that is more than thirty (30) feet in height and is exempted from the requirements for a permit by III.C. (this includes agricultural outbuildings and similar accessory structures), except as follows:

1. Within the Horizontal and Conical Zones: no permit shall be required for trees with a growth habit of less than thirty (30) feet, or for exempt structures of less than thirty (30) feet, except when, because of topographic features, such a tree or structure would extend above the height limits for those zones.

2. Within the Approach Zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway: no permit shall be required for trees with a
growth habit of less than thirty (30) feet, or for exempt structures of less than thirty (30) feet in height, except when, because of topographic features, such a tree or structure would extend above the height limits for those zones.

E. **Variance-Additional Requirements**: In addition to the variance procedure and standards established in Chapter III, any application for a variance of the height limitations established in this chapter shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

F. **Nonconforming Uses-Additional Requirements**: Nonconforming uses and buildings are regulated by the provisions of Chapter I and, within the AOZD, and these additional requirements.

1. Nonconforming uses within the AOZD, may include trees, and shall be required to install, operate, and maintain any markers and/or lights the Planning and Building Administrator deems necessary to indicate their presence to the operators of aircraft. Such markers and lights shall be installed, operated, and maintained at the expense of the developer.

2. The repair and replacement of nonconforming uses and buildings may be permitted if they do not create a hazard to air navigation, but no nonconforming use, building, or tree shall be permitted to become a greater hazard to air navigation than it was on the effective date of this ordinance.

G. **Obstruction Marking and Lighting**: The approval of any application for a permit or variance may be conditioned on the installation, operation, and maintenance, at the owner’s expense, of the markings and/or lights necessary to indicate the presence of an obstruction to aircraft pilots.

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Chapter IX
Area of City Impact

This chapter establishes the Island Park Area of Impact Boundary Map; providing for jurisdiction over real property for purposes of inclusion in the area of impact; providing for removing real property from the area of impact upon annexation therein; establishing that the Fremont County Comprehensive Plan and Development Code will be the applicable zoning laws within the Area of Impact; providing that Fremont County will administer the application of zoning laws within the Area of Impact; providing that Fremont County laws regarding road width, addressing, and subdivisions will apply within the Area of Impact; providing that notice will be given to the City of Island Park in the event of changes or amendments to the Fremont County Comprehensive Plan or Development Code as they apply to the Area of Impact; providing that notice will be given to Fremont County in the event of changes or amendments to Island Park City ordinances as they may apply within the Area of Impact; establishing hearing procedures for public hearing on matters involving the Area of Impact; and providing for review and renegotiation of the Area of Impact boundaries of the ordinance.

A. Impact Area Boundary Map:

1. The Island Park Area of Impact Map, previously adopted by Island Park City Ordinance No. 61-04, and Fremont County Ordinance No. 2005-02A, is hereby incorporated herein by reference, and attached hereto, copies of which are available for inspection at the Island Park City Office and the Fremont County Planning and Building Office.

2. In the case where a property under single ownership is divided by the boundary line of the Island Park Area of Impact, and the line divides such property so that one or both of the parts have a depth of three hundred (300) feet or less, such part shall be included in the jurisdiction within which the larger portion of the property is located. In the event that a property is evenly split, it shall be considered as being in the Island Park Area of Impact.

3. Upon annexation of any portion of the Island Park Area of Impact into the City, the provisions of this chapter shall no longer apply to such annexed areas.

B. Applicable Plan Policies and Ordinances:

1. The Fremont County Comprehensive Plan shall apply within the Island Park Area of Impact.
2. The Fremont County Development Code shall be used to implement and administer this Chapter.

3. Fremont County shall be responsible for the administration and enforcement of the ordinances within the Island Park Area of Impact, and shall receive all permit fees for inspections, administration, legal publications, any development fees or other costs arising from the terms of each ordinance or regulation.

4. County road widths and profiles found in the Fremont County Development Code or other County ordinances, including all amendments thereto, shall apply within the Island Park Area of Impact.

5. The Fremont County street and address numbering system, and ordinance (if applicable) shall apply to all property within the Island Park Area of Impact. Street names and addresses shall be assigned by the County.

6. All subdivision applications within the Island Park Area of Impact shall comply with the Fremont County Code governing subdivisions.

C. Amendments and Zoning Applications:

1. Prior to amendment by the County of any of its ordinances, which are applicable in the Island Park Area of Impact, the County shall forward the proposed change to the City for review and comment at least fifteen (15) days prior to the first public hearing at which such amendment will be considered.

2. Prior to amendment by the City of any of its ordinances, which are applicable in the Island Park Area of Impact, the City shall forward the proposed change to the County for review and comment at least fifteen (15) days prior to the first public hearing at which such amendment will be considered.

D. Public Hearing Procedures within the Impact Area:

1. All applications for subdivision plats and all other applications within the Island Park Area of Impact shall be filed by the applicant with Fremont County. All public hearings in the Island Park Area of Impact shall be held before the County, with the City of Island Park receiving proper notification and opportunity to comment at said public hearing.

2. Within the Island Park Area of Impact, the County will provide the City notice on any public hearings related to an application to the County of the County’s Planning Commission for a Comprehensive Plan change, planned unit development, subdivision plat or similar land use request. The City shall have fifteen (15) days after receipt of the notice but prior to any public hearing to comment.
E. Revaluation and Renegotiation:

1. The Island Park Area of Impact shall be re-evaluated by the City and County at such times as they may agree upon to consider possible changes in the Geographic or affected and/or other provisions of the Chapter, including, but not limited to applicable standards.

2. In accordance with Idaho Code §67-6526(b), the City Council or the Board of County Commission may request, in writing, to renegotiate any provision of this Chapter at any time. Within thirty (30) days of receipt of such written request by each party, a meeting between the two jurisdictions shall occur.

3. While renegotiation is occurring, the provisions of this Chapter shall remain in effect until this Chapter is amended or a substitute ordinance is adopted by the City and County, in accordance with the notice and public hearing procedures provided in the County and State Codes, or until a declaratory judgment form the District Court is final. Provided however, that this Chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.
CHAPTER X

DEFINITIONS

A. Rules of Interpretation: Terms include both the singular and plural forms; i.e. building includes buildings, and, except where otherwise indicated, terms include their derivations; i.e. adjacent includes adjoining. The City has the discretion to interpret this ordinance provided such interpretation is not arbitrary and capricious.

A. INTERPRETATION:

1. Language:

   a. Terminology: When used in this title, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive.

   b. Number Of Days: Whenever a number of days is specified in this title, or in any permit, condition of approval, or notice issued or given as provided in this title, the number of days shall be construed as calendar days, except that such time limits shall extend to the following working day when the last of the specified number of days falls on a weekend or City recognized holiday.

   c. Minimum Requirements: When interpreting and applying the regulations of this title, all regulations shall be considered to be minimum requirements, unless stated otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this title.

   d. Defined Terms: Terms defined in this chapter shall have their defined meanings when used elsewhere in this Development Code. For the purpose of readability and clarity, such terms are not shown in initial caps.
e. Section Headings: Section headings or captions are for reference purposes only and shall not be used in the interpretation of this title.

f. References: All references to state or federal laws and/or regulations shall refer to such laws and/or regulations as they may be amended over time.

2. Measurements:

   a. Structure height shall be measured as the vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

   b. Linear distance shall be measured in a horizontal line; it shall not be measured along an inclined surface or line. For uses that have a separation standard, the distance shall be measured from the nearest customer entrance of the proposed use to the nearest property line of the specified use. The measurement is to be conducted in a radial fashion by the specified number of feet (e.g., 300 feet, 1,000 feet).

   c. Illumination levels shall be measured with a calibrated photoelectric photometer or similar device capable of accurate measurement of light.

   d. Noise levels shall be measured at the property line with a calibrated noise meter or similar device capable of accurate measurement of sound.

3. District Boundaries: Where uncertainty exists about the location of any district boundary shown on the official zoning map, the following rules shall be used to resolve the uncertainty:

   a. Where a district boundary approximately follows a property line, such property line shall be construed as the district boundary.

   b. Where a district boundary approximately follows a street, alley, or railroad line, such street, alley, centerline, or the extension of such line, shall be construed as the district boundary. Where a street or alley is officially vacated and that street or alley has not been given a zoning designation, the land that was formerly in the vacated street or alley shall have the same designation as the abutting property on either side of the centerline of the vacated street or alley.
c. Where a district boundary approximately follows a watercourse, the centerline of the watercourse shall be construed to be such boundary. In the event of a change in the watercourse shoreline, the boundary shall be construed as moving with the actual shoreline.

d. Where a district boundary does not obviously coincide with any of the above lines (property; street, alley, or railroad line; watercourse), or where it is not designated by dimensions, it shall be deemed to be located along nearest section, a quarter section, or a sixteenth section line.

4. Conflicting Regulations:

   a. In case of conflict between the text and the maps of this title, the maps shall prevail.
   b. If conflicts occur between different regulations in this Development Code, or between this Development Code and other regulations of this City, the most restrictive regulation shall apply.
   c. It is not intended that this title interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; however, where this title imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger space than is imposed or required by ordinances, rules or regulations, or by easements, covenants, or agreements, the regulations of this Development Code shall govern.

B. Definitions: Terms listed below shall be as defined in this Chapter.

Absolute Performance Standard: A performance standard with which all developments must comply.

Abut or Abutting: See Adjacent.

Accessory building or structure: A detached structure that is incidental and subordinate to the principal structure and is located upon the same property. The term accessory structure shall include, but not be limited to, the following: private garage, storage structure, workshop, greenhouse, and/or a structure that houses a detached secondary dwelling unit. The term shall not include additional structures for approved public, commercial, or industrial uses.
Accessory Dwelling Unit (ADU): Secondary living unit on a single-family lot. An ADU may or may not contain its own kitchen but shall contain its own sleeping area and bathroom facilities. ADUs can be attached or detached from the primary residential unit. ADUs are subordinate in size, location, and appearance to the primary dwelling unit. ADUs are commonly referred to as mother-in-law apartments, caretaker units, employee housing, or seasonal housing. An Accessory Dwelling Unit shall not be used as a Transient Rental or Transient Rental use.

Accessory Use: A use that is incidental and subordinate to the Class I or Class II use, and is conducted upon the same property. For the purposes of this ordinance, temporary uses specified in Appendix D shall be deemed accessory uses.

Adjacent: Adjacent includes all lots or parcels that directly border or abut another lot or parcel, and all lots or parcels separated from that lot or parcel by a public or private easement or right-of-way, including roads, streets, public utilities, and irrigation canals.

Administrator: The person responsible for the administration, interpretation, and enforcement of this ordinance, as set forth in Chapter II of this ordinance. For the purposes of this ordinance, the Administrator may also be known as the Planning and Building Administrator.

Agriculture: Agriculture shall be considered to mean the raising of soil crops and livestock in a customary manner on tracts of land and shall include associated activities. Activities that take place on a "farm", as herein defined, that are classified by the Fremont County assessor's office tax categories of 010, 020, 030, 040, and/or 050. Also see Idaho Code Title 22, Chapter 45, Right To Farm.

Airport: Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. The term "airport" shall include such other common terms as aviation field, airfield, intermediate landing field, landing field, landing area, airstrip, and landing strip. For the purposes of this chapter, the term "airport" refers to a publicly owned and managed facility that is open for public use without operational restrictions on its use and privately owned airports. See Chapter VIII for Airport related definitions.

Amateur radio antenna: The supporting towers and antenna structure necessary for broadcast from a radio communication service for the purpose of self-training, intercommunication, and technical investigation carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without commercial interest.

Amusement or recreation facility: An establishment engaged in providing amusement, recreation, or entertainment. Indoor amusement or recreation facility shall include, but not be limited to, pool hall, billiard parlor, theater, health club, spa, fitness facility, nightclub, or skating rink. Outdoor amusement or recreation facility shall include, but not be limited to, amusement...
park, miniature golf, golf driving range (that is not accessory to a golf course), drive-in theater, tennis court, football, soccer, rugby, or hockey field, skatepark, or swimming pool.

Animal clinic, animal hospital or veterinary office: Any structure, or portion thereof, that is designed or used for the medical or surgical treatment of animals in which veterinary services, including boarding incidental to treatment, are limited to short term care.

Animal feeding operation (AFO): A "livestock confinement facility", as herein defined, with more than three hundred (300) animal units, and where the animal confinement areas do not sustain crops, vegetation, forage growth, or postharvest residues in the normal growing season as generally described in 40 CFR (code of federal regulations) 122.23(b)(1).

A. Two (2) or more abutting AFOs under common ownership shall be considered a single AFO. Two (2) or more AFOs that are operated as a single facility shall be considered a single AFO if it is determined by the Administrator they significantly link operations including, but not limited to, shared storage or treatment systems or shared equipment.

Animal unit: A unit of measurement for livestock confinement facilities calculated by adding the following numbers: the combined weight of all dairy cattle divided by one thousand three hundred fifty (1,350); plus the combined weight of all other cattle divided by one thousand four hundred (1,400); plus the combined weight of all swine divided by six hundred (600); plus the combined weight of all sheep divided by one thousand two hundred fifty (1,250); plus the combined weight of all goats divided by one thousand (1,000); plus the combined weight of all horses divided by one thousand five hundred (1,500); plus the combined weight of all chickens divided by three hundred fifty (350); plus the combined weight of all turkeys divided by five hundred (500); plus the combined weight of all ducks divided by two hundred (200). Where an AU is not specifically defined in this title for an animal, an appropriate AU shall be determined by the Administrator with advice from the Idaho department of agriculture.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any structure.

Apartment: A room or suite of rooms in a multi-family development for sale, rent, lease, let, or hire to be used as a single dwelling.

Area of city impact: Those unincorporated areas of Fremont County surrounding the City of Island Park as identified in the separate agreements between the City of Island Park and Fremont County, in accord with Idaho Code §67-6526.

Arterial: Includes all State and Federal highways and other roads so designated by the City Council.

Attached secondary dwelling: See definition of Dwelling, Secondary Attached.
Automotive, hobby: An accessory use involving the restoration, maintenance, and/or preservation of two (2) or more vehicles at any one time.

Automobile, major repair: Any or all of the following activities: a) engine rebuilding; b) major reconditioning of worn or damaged motor vehicles; c) collision service, including body, frame, or fender straightening or repair; and d) overall painting of vehicles within an enclosed structure.

Automobile sales or service: The sale, trade, or lease of new or used passenger automobiles (including, but not limited to cars, sport utility vehicles, light duty trucks, and/or vans) in operating condition and any automobile repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune-up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.

Automobile (Vehicle): Every device in, upon, or by which any person or property is or may be transported or drawn (i.e. travel trailers) upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks, as defined in Idaho Code Section 49-123.

Automobile (Vehicle), Inoperable: A vehicle that cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roadways and highways in the State of Idaho, as set forth in Idaho Code Chapter 49.

Automobile (Vehicle), Left on private property: The parking, keeping, or abandonment of a wreaked, dismantled or partially dismantled, or inoperable vehicle, or parts thereof shall not be kept or stored on private property for a period of time exceeding fourteen (14) consecutive days. Vehicles parked, stored, or abandoned for any period of time exceeding shall be deemed abandoned and found to be and declared to constitute a public nuisance and may be abated in accordance with the provision of the City of Island Park Development Code. Exempt from these provisions are the off-season storage of privately owned snow machines and ATV’s, and storage of snow removal equipment.

Automobile wrecking yard: Any area, lot, land, or parcel where more than two (2) motor vehicles without current registration or more than two (2) inoperable or dismantled motor vehicles that are not in operating condition (or parts thereof) are: a) standing more than thirty (30) days, b) dismantled, or c) stored. The following uses are excluded from this definition: agricultural equipment on a "farm" as herein defined, automotive hobby as set forth in Appendix D, and vehicles stored or dismantled within a completely enclosed structure.
**Bar:** A structure used primarily for the sale or dispensing of liquor by the drink or glass, but not including restaurants where the principal business is serving food.

**Bed and Breakfast Establishment:** An owner occupied dwelling providing overnight accommodations and breakfast food service for no more than ten (10) occupants, including the owner and owner's family.

**Best Management Practices:**

- **A.** The exercise of judgment and care under the circumstances then prevailing, which men of prudence and discretion exercise in the management of their own affairs.
- **B.** Best management practices, include but are not limited to, water quality, air quality, and surface mining and the improvement thereof, and is the state of the art practices in engineering, planning, or administration to prevent or reduce runoff pollutants.

**Boarding house:** An establishment with individual rooms where meals and lodging are provided for, with or without compensation, to more than two (2) but not more than ten (10) persons. A boarding house shall include, but not be limited to, a rooming house, shelter, convent, monastery, dormitory, fraternity house, sorority house, or any group of individuals whose association is temporary or seasonal in nature. Hotels, motels, multi-family developments, and bed and breakfast establishments, as herein defined, shall not be considered boarding houses.

**Brewery:** An establishment that brews thirty thousand (30,000) barrels of beer or more annually and as defined by Idaho Code §23-1003.

**Brewpub:** An establishment, or portion thereof, that brews less than thirty thousand (30,000) barrels of beer annually and as defined by Idaho Code section 23-1003. The establishment may include a restaurant, sale of alcoholic beverages by the drink or glass, and/or retail sale of the products of the brewery.

**Building:** As used in this ordinance, refers to any structure. Includes liquid and/or gas storage tanks.

**Building Bulk:** Building bulk may be measured and compared in terms of floor area ratio (FAR) (the total square footage of all floors as a percent of lot size).

**Building Height:** The maximum distance, measured vertically at any location within the building footprint, from the lower existing or finished grade level to a point above that grade level equal to the highest roof or parapet surface of a flat roof or to a point halfway between the eaves and ridge or peak of a gable, gambrel, hip, or shed roof. **Building height excludes chimneys, vents and antennae.**
**Buffer:** A landscaped area along the perimeter or a portion of the perimeter of a site. Buffers are required by this ordinance to help assure land use compatibility.

**Car wash:** An establishment or area that provides facilities for washing and cleaning vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and that may employ some hand labor. The facility may include vacuums and drying areas as accessory uses.

**City Clerk:** The City Clerk of the City of Island Park.

**City Council:** The City Council duly elected by the voters of The City of Island Park.

**City Engineer:** A civil engineer licensed in the State of Idaho who is contracted with to provide engineering services for the City as is required by this ordinance.

**Class I Permit:** A permit for a use of land or a structure allowed in a specific zoning district or overlay district as distinguished from an accessory or conditional use, subject to review and approval by the administrator and subject to condition of approval.

**Class II Permit:** A permit for a use of land or a structure allowed in a specific zoning district or overlay district that, owing to certain special characteristics attendant to its operation or installation (for example, potential danger, hours of operation, or noise), is permitted subject to review and approval or recommendation by the Hearings Examiner and subject to special requirements as enabled by Idaho Code § 67-6512.

**Commercial:** Includes, but not limited to all land uses for sales or bartering or swapping of any merchandise, commodities, objects or services and includes hotel/motels, bed and breakfasts, sexually oriented businesses, and all recreational services that are predominantly privately owned and operated. Also included are residential care facilities, group homes, private institutional uses, and residences rented for periods of less than thirty (30) calendar days (transient rental or transient rental use). Idaho Code provides specific exemptions for certain residential care facilities and group residences (Idaho Code §67-6530, -31, and -32).

**Compatibility:** Land uses need not be identical to be compatible, but must be sited, designed, constructed, and used in such a way that the normal functions and operation of land use does not adversely impact neighboring uses.

**Condominium:** An estate in real property as defined in Idaho Code §55-101B that is not a subdivision.

**Cottage Industry Use:** Means an industrial type use conducted in a lot or parcel within a residential dwelling unit or accessory building. Up to four (4) employees may be employed in addition to immediate family members who permanently reside at the residence. Uses include, but are not
limited to, arts and crafts, handicrafts, teaching of music or educational subjects, carpentry (but not a contractors yard), and woodworking.

**County:** Refers to Fremont County, Idaho.

**Cul-de-sac:** A street with a single common ingress and egress and a turnaround at the end.

**Density:** The ratio of the total number of dwelling units within a development divided by the total area. Should that number be a fraction, it shall be rounded down to the nearest whole number. Also known as gross density.

**Density, gross:** See "Density".

**Density, net:** The ratio of the total number of dwelling units within a development divided by the area devoted to residential uses (excluding roadways and/or required dedicated open space). Should that number be a fraction, it shall be rounded down to the nearest whole number.

**Developer:** The developer is, by definition, the owner or the contract purchaser of the parcel on which a development is proposed. Developer is synonymous with applicant. Owners may appoint a representative for proceedings required by this ordinance.

**Development:** Development is used as a generic term covering any and all activities for which a permit is required by this ordinance.

**EIPHD:** The Eastern Idaho Public Health District.

**Foot-Candle:** Foot-candles are measures of the amount of ambient light.

**Hazardous Substances:** Any material that poses a threat to human health and/or the environment. Typical hazardous substances are toxic, corrosive, ignitable, explosive, or chemically reactive or any substance designated by Environmental Protection Agency to be reported if a designated quantity of the substance is spilled in the waters of the United States or is otherwise released into the environment.

**Hearings Examiner:** A hearings examiner may be appointed by the Mayor and shall be confirmed by a majority vote of the City Council. The qualifications of the hearings examiner shall meet the requirements as set forth in Idaho Code SS67-6520.

**High Water Line:** The line along a stream or other body of water, including reservoirs and canals, below which the water denudes the land of vegetation, or the normal high water level established by engineering design for reservoirs.
Hydrophytic vegetation, as it relates to wetland identification, is defined as, "the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present"


Idaho Code: The Idaho Code.

Industrial: Includes areas reserved for manufacturing and related uses that provide employment but are generally not compatible with other areas with lower intensity use. Industry includes, but is not limited to: general warehousing, manufacturing, research and development, and storage of hazardous materials. Irrigation with municipal or industrial wastewater is an industrial use. Industrial is further defined in this Chapter as Heavy and Light Industrial.

Industrial, Heavy:

A. A use engaged in the basic processing and manufacturing of materials or products, predominately from extracted or raw materials.

B. A use engaged in storage or manufacturing processes using flammable or explosive materials.

C. Storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light: A use engaged in the manufacture, processing, fabrication, assembly, treatment, and/or packaging of finished products or parts, predominantly from previously prepared materials. Also included in this definition is Cottage Industry Use.

Lacustrine ecosystem: Relating to a lake and/or vegetation growing, living, or formed in or at the edge of a lake.

Lake: A body of perennial, standing open water, larger than one (1) acre in size. Lakes include the bed, banks and wetlands below the ordinary high water mark. Lakes do not include drainage or irrigation ditches, farm or stock ponds, or settling or gravel ponds.

Lakeshore: The shore of a lake or the littoral zone of the lacustrine ecosystem as it forms a transition zone between the terrestrial and aquatic environment.

Lakeshore corridor: means a corridor on or along the shore of a lake. Also included are the corridors along any stream or wetlands.
Leaf Area Index (LAI): Normalized Difference Vegetative Index (NDVI), or other similar study.

**Leaf area index** (LAI) is a dimensionless quantity that characterizes plant canopies. It is defined as the one-sided green leaf area per unit ground surface area \((LAI = \text{leaf area} / \text{ground area}, \, m^2/m^2)\) in broadleaf canopies. In conifers, three definitions for LAI have been used:

- Half of the total needle surface area per unit ground surface area
- Projected (or one-sided, in accordance the definition for broadleaf canopies) needle area per unit ground area
- Total needle surface area per unit ground area

LAI ranges from 0 (bare ground) to over 10 (dense conifer forests).

**Lot:** A portion of a recorded subdivision intended as a unit for transfer of ownership.

**Lumen:** A unit of luminous flux, equal to the luminous flux emitted in a unit of solid angle by a point source on one candle intensity

**Manufactured home:** means a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq.

- **a.** Comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the International Building Code;
- **b.** Have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation.

**Manufactured home: Siting in residential areas.** In all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607 Idaho Code, to allow for siting of manufactured homes as defined in §39-4105, Idaho Code, the following shall apply:

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2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018  Page 129
(1) Manufactured homes on individual lots zoned for single-family residential uses shall be in addition to manufactured homes on lots within designated mobile home parks or manufactured home subdivisions.

(2) This section shall not be construed as abrogating a recorded restrictive covenant.

(3) All of the following placement standards, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet;

(b) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade, except when placed on a basement foundation;

(c) The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width;

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the City;

(e) The manufactured home shall have a garage or carport constructed of like materials if the Class I or Class II Permit, the subdivision approval, or conditional approval, or any other approval or conditional approval of a development requires a newly constructed non-manufactured home to have a garage or carport.

Manufactured housing community: Any site, lot, or tract of land upon which ten (10) or more manufactured homes may be sited. For the purposes of this ordinance, a manufactured housing community shall be treated the same as those for site-built homes. A manufactured housing community may feature either fee simple land sales or land leased or rented by the homeowner.

Mayor: The Mayor of the City of Island Park duly elected by the voters of The City of Island Park.

Minimize: For the purpose of these regulations, “to minimize” (as in the number of access points or impacts on visually sensitive areas) means to show that no alternative plan for the proposed development will result in a smaller impact.

Minor Utility Installation: Includes cable television, electric power, and telephone cables and transmission lines, and natural gas pipelines that serve the area through which they are routed. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines. Other utility installations are industrial uses.

Multiple family residential developments: Refers to multi-family dwellings, including apartments and condominiums, and mobile home parks.
**New Construction:** A building or structure for which the issuance of a building permit was on or after the effective date of this ordinance. Said building permit must remain valid until the completion of the building or structure and the issuance of the final certificate of occupancy is issued.

**Nonconforming:** Describes any use or building that was legally in existence on or before February 24, 2011 but does not comply with one (1) or more of the requirements of this ordinance.

**Normalized Difference Vegetative Index (NDVI):** NDVI is calculated from these individual measurements as follows:

$$\text{NDVI} = \frac{(\text{NIR} - \text{VIS})}{(\text{NIR} + \text{VIS})}$$

where VIS and NIR stand for the spectral reflectance measurements acquired in the visible (red) and near-infrared regions, respectively. (http://earthobservatory.nasa.gov/Features/MeasuringVegetation/measuring_vegetation_2.php). These spectral reflectance’s are themselves ratios of the reflected over the incoming radiation in each spectral band individually, hence they take on values between 0.0 and 1.0. By design, the NDVI itself thus varies between -1.0 and +1.0. It should be noted that NDVI is functionally, but not linearly, equivalent to the simple infrared/red ratio (NIR/VIS).

**Owner:** The proprietor of the land (having legal title) as defined in Idaho Code §50-1301.

**Occupancy:** The occupation, temporary or permanent, of a parcel or lot or of a building.

**Open Space Use:** Land left in a natural undeveloped condition for passive or active recreation for the occupants of a development, for the protection of critical areas, or for the provision of environmental amenities, including but not limited to: wetlands; stream, lakeshore, ponds and wetlands corridors; slopes steeper than thirty percent (30%); visually sensitive area; natural vegetation; the presence of critical wildlife areas and/or corridors; and wildfire hazard areas.

**Original Parcel:** An original parcel of land is any parcel of land that existed on and before February 24, 2011.

**Parcel:** A tract of unplatted land (or contiguous land, if applicable), in single ownership, considered a unit for purposes of development.

**Plat:** The legal map that, upon approval and recordation in the Fremont County Land Records, divides land into a subdivision.

2016 Development Code
City Council public hearing on July 28, 2016.
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Plat Amendment, Major: A major plat amendment is a change in the lot arrangement or routing of rights-of-way or easements within a previously recorded subdivision plat. It may result in the consolidation of lots, but does not result in the creation of any additional lots or parcels, or the addition or subtraction of land to the subdivision. Plat amendments are instituted by the recording of an amended plat.

Plat Amendment, Minor: A minor plat amendment is a minor change to a boundary line within an existing subdivision, or the correction of an error detected on a plat.

Private Utilities: Including but not limited to, Cable television, electric power, natural gas, and telephone services.

Recreational Vehicle: As per Idaho Code §49-2801, a motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for recreational or emergency occupancy.

Recreational Vehicle Park: A premises upon which two (2) or more parking sites are located, established, or maintained for occupancy by recreational vehicles for temporary, seasonal use for recreation or vacation purposes.

Relative Performance Standard: A relative performance standard encourages or discourages a certain kind or level of performance in development activity.

Re-plat: A re-plat is any change in an existing subdivision that adds or subtracts land to the subdivision or creates a new road or parcel within an existing subdivision. The procedures for a re-plat are the same as for an original subdivision.

Residential: Regularly used by its occupants as a permanent or temporary place of domicile or house. Commercial uses are limited by the Home Occupation and Home Business regulations of this ordinance.

Residential Care Facility: A residential facility in which care and/or protection is provided for the elderly, children, or adults under a license issued by the Idaho Department of Health and Welfare pursuant to the Child Care Licensing Reform Act, the Alcoholism and Intoxication Treatment Act, and similar authorities. This definition does not include halfway houses or any other detention facility.

Riparian Area: Relating to or living or located on the bank of a natural water course as a stream or river; or the stream corridor consisting of riparian vegetation, stream carved topography, and features that define a continuous corridor on either side of a stream or pond; or all lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent
presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds, and lakes and their margins.

**Riparian Community:** All plant and animal species within a given riparian area.

**Riparian Habitat:** A riparian area where a plant or animal lives; the sum total of environmental conditions in the area. It may also refer to the place occupied by an entire community of plants or animals.

**Setback:** The minimum distance by which any building or structure must be separated from a street right-of-way line or lot line. All setbacks are measured at right angles, from the nearest point on the property line to the foundation or to any above grade projection of the structure that extends more than three (3) feet outside the foundation wall.

**Setback, Front:** The front setback is measured from the lot line paralleling a public street to the principal building. Corner lots have two (2) front yards, but may treat either as a side yard for the purposes of this ordinance, except where the adjacent street is an arterial road.

**Setback, Rear:** The rear setback is measured from the rear lot line to the principal building. The rear lot line is parallel, or more or less, to the street. Corner lots have two (2) rear yards, but may treat one (but not both) as a side yard for the purposes of this ordinance.

**Setback, Side:** The side setback is measured from the side lot line to the principal building.

Sexually Oriented Business(s) or Use(s):

**Adult booth:** A separate enclosure within a structure featuring adult entertainment or adult material. The term adult booth does not include a restroom or a foyer through which any person can enter or exit the establishment.

**Adult cabaret:** An establishment that features adult entertainment.

**Adult entertainment:** Any modeling, posing, exhibition, display, or exposure, of any type, whether through book, pictures, film, displays, live performance, dance, or modeling, that has as its dominant theme, or is distinguished or characterized by an emphasis on any one or more of the following: a) any actual or simulated specified sexual activities, b) specified anatomical areas, c) the removal of articles of clothing, or d) appearing nude or seminude.

**Adult entertainment establishment:** An adult video or bookstore, adult cabaret, adult booth, adult modeling or display establishment, adult motel, or adult theater.

**Adult material:** One or more of the following materials that have as their primary or
dominant theme matter depicting, illustrating, describing or relating to adult entertainment, regardless of whether it is new or used: a) books, magazines, periodicals or other printed matter; b) photographs, films, motion pictures, videocassettes, slides, or other visual representations; c) recordings or other audio matter. The term adult material shall also include instruments, novelties, devices or paraphernalia that are designed for use in connection with adult entertainment.

Adult modeling or display establishment: Any establishment whose employees engage in adult entertainment or adult private modeling.

Adult motel: Any motel, hotel, boarding house, rooming house, or other place of temporary lodging that includes the word "adult" or "erotic" in any name it uses, or otherwise provides or advertises adult entertainment or adult material.

Adult private modeling: Modeling, posing, exhibition, display, or exposure by an employee relating to adult entertainment before a nonemployee while the nonemployee is in an area not accessible to all other persons in the establishment, or while the nonemployee is in an area either totally or partially screened or partitioned during such display from the view of all persons outside the area. The term "private performance" is considered private modeling.

Adult theater: An establishment consisting of an enclosed structure, or a portion or part of an enclosed structure, or an open-air area where a person may view adult material or adult entertainment. Generally, the adult material or adult entertainment is prerecorded material.

Adult video or book store: An establishment that sells or rents adult material; however, any establishment meeting all the following criteria shall not be considered an adult video or book store:

A. The adult material is accessible only by employees.

B. The individual items of adult material offered for sale and/or rental comprise less than ten percent (10%) of the individual items publicly displayed at the establishment as stock in trade in the following categories: videos, books, magazines, periodicals, other printed matter, slides, other visual representations, recordings, and other audio matter.

C. The establishment does not use the following terms in advertisements or other promotional activities relating to the adult materials: "XXX", "XX", "X", or any series of the letter "X" whether or not interspersed with other letters, figures, or characters; "erotic" or deviations of that word; "adult entertainment" or similar phrases; "sex" or "sexual acts" or similar phrases; "nude" or "nudies" or similar phrases; or any other letters, words, or phrases that promote the purchase or rental of adult material.
Specified anatomical areas: A. Less than completely and opaquely covered part of the human body consisting of: 1) human genitals, 2) pubic region, 3) buttock, 4) anus, 5) female breast below a point immediately above the top of the areola, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed. A. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Any one or more of the following activities:

A. Human genitals in a state of sexual stimulation, arousal or tumescence.

B. Acts of human anilingus, bestiality, buggery, coprophagy, coprophilia, cunnilingus, fellatio, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, and sodomy.

C. Fondling or other touching of human genitals, pubic region, buttock, anus or female breast.

D. Excretory functions as part of or in connection with any of the activities set forth in subsections A through C of this definition.

Straddle dance: An employee's use of any part of his or her body to touch the human genitals, pubic region, buttock, anus, or female breast of a nonemployee while at the establishment, or the touching of the human genitals, pubic region, buttock, anus, or female breast of any employee by a nonemployee while at the establishment. Conduct shall be a straddle dance regardless of whether the "touch" or "touching" occurs while the employee is displaying or exposing any specified anatomical area. Conduct shall also be a straddle dance regardless of whether the "touch" or "touching" is direct or through a medium. The terms lap dance, table dance, and face dance are considered straddle dance.

**Single Family Dwelling:** A detached building designed for the occupancy by one (1) family. Also includes group homes, as required by Idaho Code §67-6530, et. seq. Includes both conventional dwellings and manufactured homes that; shall meet the minimum standards of the International Residential Codes. Recreational vehicles and travel trailers are not single-family dwellings, and shall not be used as such, but are included within the definition of "manufactured home" or "Recreational vehicle" for the purposes of this ordinance.

**Site Plan:** A site plan is a scaled drawing, or a series of such drawings, that illustrates all details of a proposed development needed to demonstrate compliance with this ordinance, including the location of existing and proposed property lines, easements, buildings, parking areas, streets,
sidewalks, landscaped buffers, and other features of the site. Where an erosion and runoff control plan is required, the site plan must be prepared on a detailed (contour intervals of two (2) feet) topographic base.

**Solid Waste:** Material stored, packaged, or processed for ultimate disposal or recycling. For the purposes of this ordinance, the waste normally generated by a farming operation (crop stubble and residue, manure, etc.) is not solid waste until transported from the farm on which it was generated.


**Start of Construction:** Applies to both substantial improvements and new construction and means: the date a permit was issued, provided the actual start of construction, repairs, placement, or other improvements was within one hundred eighty (180) days of the permit date. “Actual start” means either the first placement of permanent construction on a site, such as pouring a slab or footings, the installation of piles, the construction of columns, or any 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 erection of temporary forms; nor does it include installation of accessory buildings.

**State:** The State of Idaho.

**Stream Corridor:** The area encompassing a body of water (streams, ponds, lakes, rivers, wetlands) and the required setbacks that are established by this ordinance, including any associated areas where riparian vegetation is dominant adjacent to the body of water.

**Structure:** Any object, including any mobile object, constructed or installed by man, including, without limitation, buildings, towers, cranes, smokestacks, earth formations, liquid storage tanks, and overhead transmission lines. For the purposes of this ordinance, structure is synonymous with “building”.

**Subdivision:** Means any division of an original parcel of land, or any land so divided, which creates more than one (1) additional contiguous or adjacent parcel containing one hundred sixty (160) acres or less, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and shall include any townhouse or condominium.

**Substantial Improvement:** Repair, reconstruction, or improvement of a building, the cost of which equals or exceeds fifty percent (50%) of the assessed value of the building that existed before the
improvement or repair is started, or where the building has been damaged and is being restored, before the damage occurred. Assessed value shall be determined by the Fremont County Assessors records. “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 its external dimensions of the building. The term does not include any project for the improvement of a building required to correct existing violations of state or local health, sanitary, or safety codes; or any alteration of a state or federally designated historic structure provided that the alteration will not preclude the structure’s continued designation as an historic structure.

**Transient Rental or transient rental use.** A transient rental or transient rental use is a dwelling unit occupied for not more than thirty (30) days located in a residential zoning district. Also see the City of Island Park Development Code, Chapter X, Definitions, of "commercial". Further see latest City adopted version of the International Building Code and International Residential Code. A Bed and Breakfast and/or lodge is not a transient rental or transient rental use.

**Tree:** A tree is a perennial plant with an elongated stem, or trunk, supporting leaves or branches.

**Up-lit:** Up lighting occurs when signs or structures are illuminated by a spotlight shining on them from below. Up lighting can be attractive in urban environments, but is a definite enemy of a night sky in which one can view the stars.

**Urban public facilities:** Schools, natural and developed open space, library, electricity, telephone, water, wastewater, transportation, law enforcement, fire and paramedic capital facilities provided by a city, taxing district, or regulated public utility.

**Urban public facility, programmed:** An urban public facility included in the capital improvements program of a municipality, taxing district, planned community provider, or a regulated public utility, scheduled in the relevant entity's capital improvements program for construction within five (5) years from approval of the planned community overlay district which the urban public facility will serve.

**Urban public service, programmed:** An urban public service included in the capital improvements or service provision program of a municipality, taxing district, planned community provider, or a regulated public utility, scheduled in the relevant entity's capital improvements or service provision program for provision within five (5) years from approval of a planned community overlay district in which the urban public service will be provided.

**Urban public services:** Schools, natural and developed open space, library, electricity, telephone, water, wastewater, transportation, law enforcement, fire and paramedic services

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2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018  Page 137
provided by a city, taxing district, a regulated public utility, or when located in a planned community base district.

**Use:** The occupancy of a building or use of land.

**Vacation:** The process provided by state law (see I.C. §50-1306A) and this ordinance for the elimination of an entire subdivision plat, or any part thereof, or the extinguishment of a right-of-way, easement, or any other associated public right.

**Variance:** A variance is a modification of the bulk and placement requirements of this ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. Land use cannot, by definition, be varied.

**Visually Sensitive Area:** Visually sensitive areas are delineated on the natural resource inventory maps prepared for the City, using the system developed by the U.S. Forest Service. The delineation is based on the view from major public roads and bodies of water. For the purposes of this ordinance, visually sensitive areas shall be limited to those designated FG-1/A, FG-1/B, FG-2/A, FG-2/B, MG-1/B, MG-2/A, and MG-2/B on the natural resource inventory maps. Regardless of their designation, however, areas platted on or before February 24, 2011 shall not be considered to be in visually sensitive areas.

**Water Quality Vulnerability Area:** As shown in Chapter X, in this ordinance, those areas identified as needing central sewage to avoid surface and ground water pollution.

**Wetlands:** Those areas of the City of Island Park and the designated Area of City Impact that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas (army corps of engineers regulation, 33 CFR, 328.3, 1988) and tend to be found in transitional areas between dry land and water where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands, for the purpose of this classification, means an area where the following attributes, as defined in the current and future amended editions of "The Federal Manual For Identifying And Delineating Jurisdictional Wetlands" exist: a) hydrophytic vegetation, b) hydric soils, and c) wetland hydrology are met. For the purpose of this ordinance wetlands shall include both jurisdictional and non-jurisdictional wetlands.

**Wildlife Habitat:** Any area that provides the environmental factors required for the survival of a particular species of wildlife. Critical wildlife habitat includes all-important habitat areas shown on the natural resource inventory maps prepared for the City, or other areas so identified by the Idaho Fish and Game Department.
Yard: The area between the lot lines and the principal building created by the required setbacks.

Yard, front: An area extending across the full width of the property and lying between the front property line and the nearest line of a principal structure.

Yard, rear: An area extending across the full width of the property and lying between the rear property line and the nearest line of the principal structure.

Yard, required: An area that extends along a property line to a depth or width specified in the setback regulations for the district in which the property is located.

Yard, side: An area extending from the front yard to the rear yard between the side property line and the nearest line of the principal structure.

Zero lot line: The location of a structure on a lot in such a manner that one or more of the structure's sides rests directly on a lot line.

Figure 1: Distance and Height Measurements. Repealed.

Figure 2: Noise Measurement
Figure 3: Clear Vision Triangle
2016 Development Code
City Council public hearing
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Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018 Page 141
2016 Development Code
City Council public hearing on July 28, 2016.
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Figure 5: Types of Dwellings

**Single family detached or manufactured home**
- 1 structure
- 1 property
- 1 dwelling unit

**Duplex**
- 1 structure
- 1 property
- 2 dwelling units

**Single family attached**
- 1 structure
- 2 properties
- 2 dwelling units

**Townhouse**
- 1 structure
- 3 properties
- 3 or more dwelling units
Figure 6: Light Trespass

Figure 7: Wind Facility Fall Zone And Setback (Overhead View Example)

Figure 8: Wind Facility Fall Zone (Side View Example)
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Figure 13: Private Road Minimum Construction Standards For Properties Outside And Inside An Area Of City Impact
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Page 154
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APPENDIX A

SIGNS

A. PURPOSE: The purpose of this appendix is to control and regulate the erection and maintenance of signs in city limits of the City of Island Park, and the designated Area of City Impact, in the interest of public safety and aesthetics. In addition, this appendix creates a legal framework for a comprehensive and balanced system of street graphics. This framework preserves the right of free speech and expression, provides for communication between people and the environment, avoids excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance, as follows:

1. To provide reasonable and enforceable standards for the location, design, and construction of signs;

2. To safeguard and enhance property values and to protect private investment in buildings, structures and open spaces;

3. To promote those qualities of the visual environment which bring economic value to the community;

4. To promote the public health, safety, and welfare as expressed in the City of Island Park Comprehensive Plan;

5. To encourage the design of sign structures that are compatible with the overall street setting and rural, rustic resort character of the City and the designated area of city impact;

6. To maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth;

7. To improve pedestrian and motor traffic safety and promote the general welfare, convenience, safety, and enjoyment of travel and the free flow of traffic within the City;

8. To ensure that the maintenance of signs continues throughout the life of the signs;
9. To enable the fair and consistent enforcement of the sign regulations;

10. Providing maximum visibility along highways, roads, and streets;

11. Assuring unobstructed view at connecting roads, streets, and intersections;

12. Preventing undue distraction of operators of motor vehicles;

13. Preventing confusion with respect to official traffic lights, signs, or signals.

B. APPLICABILITY:

1. The following standards shall apply to signs that are installed, constructed, placed, painted, or altered after the effective date of this ordinance:

   a. Signs Requiring Building Permits: The City of Island Park building code shall determine signs that require building permits. Any freestanding sign or sign structure over six (6) feet in height requires a building permit.

   b. Signs Requiring a Permit: Unless otherwise noted as exempt in this appendix, any sign greater than four (4) square feet shall require a Class I or Class II Permit prior to construction and/or placement.

   c. State or Primary Highways: The standards of this article shall apply to all primary highways covered by the Idaho highway beautification act, Idaho Code title 40, chapter 19, to the extent that this title is more restrictive with respect to maintaining signs on such roadways.

C. EXEMPT:

The following types of signs, when not illuminated, do not require permits:

   1. Directional or informational signs not exceeding four (4) square feet in area erected for the convenience of the public;
   2. Memorial signs or tablets and names of buildings and dates of erection when cut into the surface or facade of the building;
   3. Federal, State, County, or City signs, signs required by law, traffic signs, railroad crossing signs, legal notices and temporary emergency signs;
   4. Signs placed by a public utility showing the location of underground facilities;

2016 Development Code
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5. Home Occupation signs consisting of no more than one (1) unlit sign and not exceeding four (4) square feet;
6. Home Business signs consisting of no more than one (1) unlit sign and not exceeding four (4) square feet;
7. Transient rental signs consisting of a public information sign posted in a conspicuous place where any neighbor can easily read it, containing the name and current phone number of the owner of the transient rental and a contact person or agent who is located in the City of Island Park or in US Census Bureau Census County Division (CCD) 9701 who must be available by phone and available to respond to any problem or concern during the use of the dwellings as a transient rental; the occupancy load of the dwelling and the required off-street parking.

D. PERMITTING:

1. Permits Required. Except as otherwise provided in this Appendix, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit. Any sign exceeding four (4) square feet in size shall require a Class I or Class II Permit, or Other Applications, unless otherwise Exempt under the provisions of this Appendix. Any freestanding sign or sign structure over six (6) feet in height requires a Class I permit and a building permit, unless other Exempted. Also see Ordinance No. 18-156 for necessary building permits. A permit shall not be required for a change of copy of any sign, nor for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued in accordance with this ordinance, provided that the sign or sign structure is not altered in any way.

2. All Class II Permit applications are required to submit a Master Sign Plan as herein defined. The Master Sign Plan shall be reviewed and approved, approved with conditions, or denied by the City Council as part of the Class II Permit or Other Applications.

3. Permission to Install. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or authorized representative of the owner.

4. Permit Process: The application for a sign permit shall be made in writing on a form provided by the Administrator and shall be accompanied by any fee established by city council resolution. A single application may be used for multiple signs proposed for the same lot, parcel or use; however, decisions and conditions may pertain to individual signs. Such application shall include, but not be limited to, the following information:

5. The street address, assessor's parcel number, and name and contact information for the legal owner of record of the property. If an agent or representative is authorized to represent the legal owner, the name and contact information shall be provided.
6. Proof of the consent of the property owner or other person in control or possession of the property. If the subject property is leased and the applicant is the lessee, the lessee must submit a written landlord's consent;

7. A drawing to scale showing the design of the sign, including dimensions, sign size, colors (applies to commercial message signs only), materials, method of attachment, source of illumination (if permitted) and the relationship to any building or structure to which the sign is proposed to be attached or mounted;

   a. The name, address, phone number and State of Idaho contractor's license number, if required by state rules and regulations, of the sign contractor who will construct or install the sign;
   b. A site plan, including all dimensions, drawn to scale, indicating the location of the sign relative to property lines, streets rights of way, road or street easements, sidewalks, vehicular access points, utility easements, and existing buildings or structures, snow storage areas, and off street parking areas located on the premises;
   c. The number, size, type and location of all existing signs on the same building, site or premises; however, temporary signs need not be shown;
   d. Any structural information and plans necessary to ensure compliance with currently adopted building codes;
   e. Information regarding interruptions to normal traffic which may be caused by the construction or installation;
   f. Whether the sign or any portion thereof will encroach into or over the public right of way, road or street easements, or any property owned by the city, county, State, or any other political subdivision of the State;
   g. Information need not show the proposed graphic design or message content of the display face.

E. PROCESSING OF PERMIT APPLICATIONS:

1. Class I Permit applications shall be reviewed and approved, approved with conditions, or denied by the Administrator.
2. Class II Permits shall be reviewed and approved, approved with conditions, or denied by the Hearings Examiner.

F. TIME FOR DECISION:

1. Class I Permit applications shall be decided upon by the Administrator within ten (10) calendar days of when the application is submitted.
2. Class II Permits or Other Applications shall be decided upon in conformance with the provisions of Chapter III of the Development Code.
G. COMPLIANCE: The City requires that the applicant to submit all required building, electrical, and other safety code permit applications prior to processing the sign permit application.

H. CONDITIONS OF APPROVAL: A sign permit application may be approved subject to conditions, as permitted in Idaho Code §67-6512 and §67-6519.

J. PERMIT FEE: A fee for each permit shall be paid as required, in accordance with the schedule of fees as established, by Resolution, by the City Council.

K. PROHIBITED SIGNS

All signs not expressly permitted, or exempt, under this ordinance are prohibited. Such signs include, but are not limited to, the following:

1. No sign or sign structure, other than approved the City, Fremont County and/or Idaho Transportation Department shall be placed upon any road, street, County road, or highway easement or right of way;
2. New or additional off-site advertising signs (billboards). This also includes Nonaccessory, off-premises signs as herein defined;
3. Miscellaneous signs and posters which are placed, pasted, tacked, taped, or otherwise any tree, utility pole, fence posts, posts, bridges, overpasses, cliffs, rocks, or any other natural structure;
4. On vehicles or trailers not used in a timely manner;
5. On vehicles or trailers advertising an off-site business or activity;
6. Banners, pennants, portable signs (including sandwich board type signs), strings of lights that flash or blink, ribbons, streamers, twirlers or propellers, balloons, bubble machines, and similar devices of a carnival nature;
7. Signs which emit any sound, odor, or visible matter;
8. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign or sign display;
9. Signs which imitate, or are meant to imitate, or resemble an official traffic sign or signal, or emergency signal or beacon, construction or road equipment vehicle, or a sign which bears the name, including but not limited to, "stop", "danger" "caution", and/or "warning";
10. Any sign or sign structure which obstructs the visibility of any street sign or traffic control device; and
11. Any sign that constitutes a public nuisance.

L. DEFINITIONS:

For the purposes of this appendix, the following definitions shall apply in addition to those in Chapter
X, Definitions:

BILLBOARD: Any sign that advertises a use, business, or activity that is not on the same property (See Sign, Nonaccessory, Off-Premises)

BLANKETING: The term "blanket" or "blanketing", when applied to signs or sign structures shall mean the partial or complete shutting off of the face of one sign by another sign.

BUILDING FACE: The wall of a building fronting on a street, excluding any appurtenances, such as columns, pilasters, canopies, marquees, showcases or decorations, but including the parapet wall.

MASTER SIGN PLAN: A plan showing all existing and proposed signs as part of a Class II Permit application.

PUBLIC NUISANCE: as defined in Idaho Code title 52, chapter 1

SIGN, COMBINATION: A sign incorporating any combination of the features of projecting, roof and freestanding signs.

SIGN, HOME BUSINESS: An accessory sign or nameplate announcing the names of the occupants or owners of the premises or the name of the home business conducted thereon.

SIGN, HOME OCCUPATION: An accessory sign or nameplate announcing the names of the occupants or owners of the premises or the name of the home occupation conducted thereon.

SIGN, NONACCESSORY, OFF-PREMISES: Any sign which directs attention to the use, name, business, commodity, service or entertainment conducted, sold, or offered elsewhere than in the premises and only incidentally on the premises if at all.

SIGN, PARKING LOT: An accessory or on-premises sign erected for identifying and informing the public of parking lot areas for businesses or those open to the public and of operational procedures in connection therewith.

SIGN, PROJECT: An on-premises sign identifying a project proposed or under construction, and may include the nature of the project, the name of the owners, developers, contractors or other participants involved in the construction of the buildings or the development of the grounds or project.

SIGN, PROPERTY: An on-premises sign erected for the purpose of advertising the availability of the property for sale, lease or rent; or may include a private or public announcement or the announcement of danger or warning in connection with said premises.

SIGN, PUBLIC: An accessory sign erected for the purpose of identification of the buildings, or involved institutions, and may include the dissemination of information in connection with the program, policy or operation of public or semipublic institutions owning or occupying subject premises, such as schools, churches, hospitals, quasi-public bodies, clubs, lodges, clinics, professional and executive offices, or information in connection with the property of general interest.
SIGN, SUBDIVISION: An on-premises sign erected for the purpose of identifying the boundaries of the subdivision and may include promotional information relating to the proposed subdivision.

SIGN, TIME AND TEMPERATURE: A sign which the only copy that changes is an electronic or mechanical indication of the time and temperature. This portion of a sign shall not be considered a changeable sign for the purposes of this appendix.

STREET GRAPHICS: Any structure that has a visual display visible from a public or private street or roadway and designed to identify, announce, direct, or inform.

M. GENERAL REGULATIONS:

1. Permitted roof signs or sign structures that extend beyond or overhang any exterior wall of the building upon which secured shall require a Class II Permit.

2. Where permitted, no more than one (1) projecting sign structure shall be allowed for each grade level use on each street frontage, plus one additional projecting sign for each one hundred fifty feet (150') of street frontage devoted to a single use.

3. No sign background area facing the side or rear property line of a adjacent or abutting residential zoning district shall be located within fifty feet (50') of such side or rear property line.

4. Flashing and/or animated signs shall be prohibited within three hundred feet (300') of any property within a residential zoning district. A sign on which the message changes more often than once every eight (8) seconds shall be considered an animated sign and not a changeable copy sign.

5. If the adjacent street grade to which the sign is oriented is more than ten feet (10') greater than the grade elevation at the base of the sign structure, the adjacent street grade may be used in determining the permitted height. This provision shall only freestanding sign structures.

6. Signs or sign structures erected or to be erected for a nonconforming use shall not be enlarged, altered, located or otherwise provided, other than permitted in Chapter II or in this Appendix.

7. Signs at street intersections shall not be permitted in the "clear vision triangle" as herein defined.
8. For the purpose of preventing the blanketing of one sign by another, the following provisions regulating the size of a sign and its location shall govern:

1. No projecting sign shall be erected in the same horizontal plane with other projecting signs unless the sizes are spaced as set forth in Table 1 of this section, measured center to center:

<table>
<thead>
<tr>
<th>Overlap Of Projecting Signs</th>
<th>Spacing Between Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 feet or less</td>
<td>10 feet</td>
</tr>
<tr>
<td>Greater than 3 feet to 4 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Greater than 4 feet to 6 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Greater than 6 feet</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

2. Any projecting sign erected at a shorter distance than required in Table 1, above, shall be erected above the top edge or below the bottom edge of the blanketed sign.

9. For the purposes of this Appendix, distance for the purpose of establishing location shall refer to the linear distance in either direction on the street to which the sign faces only.

10. Illumination of signs shall be subject to the regulations in Chapter III of this ordinance.

11. Unless otherwise specified in this Appendix, signs (including sign structures and sign faces) shall have a minimum setback of five feet (5') from any property line or roadway easement line.

N. BUSINESS WITH FRONTEGE ON TWO OR MORE STREETS:

1. The proposed development shall be allowed its quota of signs on each of the streets.

2. Where a business located on a corner is allowed a freestanding sign, it may have either one such freestanding sign designed to be read from both intersecting streets or two (2) freestanding signs where each sign is designed to be read from only one of the intersecting streets.

B. Multi-Use Properties: Properties with more than a single use in a commercial zoning district shall be allowed building business signs that identify the shopping center as set forth in Table 2 of this section and as follows.
TABLE 2: BUILDING SIGNS FOR SHOPPING CENTER SIGN STANDARDS FOR PROPERTIES WITH MORE THAN A SINGLE USE

<table>
<thead>
<tr>
<th>Building Sign Standards</th>
<th>Commercial District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum sign area</td>
<td>150 square feet</td>
</tr>
<tr>
<td>Maximum height, sign structure</td>
<td>45 feet</td>
</tr>
</tbody>
</table>

O. BUILDING SIGNS:

1. Building signs shall meet the following standards:

   a. The maximum area of animation shall be twenty percent (20%) of the sign area.

   b. Direct, internal and/or neon illumination shall be allowed, except for roof signs where no illumination is allowed.

   c. The maximum area of projecting signs is ten percent (10%) of the building face. The maximum height of projecting signs shall be twenty feet (20') above grade or four feet (4') above eaves or the parapet, whichever is less.

   d. Parapet signs are permitted.

   d. Roof signs are allowed by Class II Permit only. The lower and upper edges of roof signs shall be within four feet (4') of the lower edge and eight feet (8') above the eaves of the building on which it is placed.

2. In lieu of building signs as set forth above, one freestanding sign shall be permitted on each street frontage.

   a. Maximum area shall be fifty (50) square feet for each street frontage or one square foot of sign area for each linear foot of property fronting a street, whichever is greater.

   b. Maximum height shall be twenty five (25) feet.
c. Direct, internal, or neon illumination shall be allowed.

d. No freestanding signs shall be closer to an abutting property line than a distance equal to twenty percent (20%) of the width or length of the property upon which the sign is located.

3. A combination of a building sign and a freestanding sign may be used, provided the total area of all signs are reduced by fifty percent (50%) in sign area and the height of the freestanding sign does not exceed twenty five (25) feet.

4. Signs in a commercial zoning district shall not be closer than one hundred fifty feet (150’) from any property in a residential zoning district.

C. Establishments Within Multi-Use Properties: Establishments within a property that has more than one use in a commercial district shall be allowed one or more building signs for each establishment as set forth below:

1. The maximum area shall be twenty five percent (25%) of the building face.

2. Maximum height shall be twenty five (25) above grade or four feet (4’) above the eaves or parapet, whichever is less.

3. Direct, internal, or neon illumination shall be allowed.

4. Twenty percent (20%) of the sign area may be animated.

5. No revolving signs shall be allowed.

D. Single Use Properties: Business signs for properties with a single use in a commercial zoning district shall be allowed one or more building signs as set forth below:

1. The maximum sign area shall be based on the building face to which the sign is attached.

   a. Maximum area for wall signs shall be forty percent (40%).

   b. Maximum area for projecting signs and canopy signs shall be fifteen percent (15%).

2. Maximum height shall be twenty five (25) feet.

3. Direct, internal, or neon illumination shall be allowed.

4. Animation may not exceed twenty percent (20%) of the proposed sign area.

5. In lieu of building signs as set forth in this subsection D, one freestanding sign is permitted on each street frontage for any property:
a. Maximum area shall be sixty five (65) square feet for each street frontage or 1.5 square feet of sign area for each linear foot of property fronting a street, whichever is greater.

b. Maximum height shall be twenty five (25) feet.

c. Direct, internal, or neon illumination shall be allowed.

d. Twenty percent (20%) of the sign area may be animated.

e. No freestanding signs shall be closer to an abutting property line than a distance equal to twenty percent (20%) of the width or length of the property upon which the sign is located.

6. A combination of building signs and a freestanding sign may be used, provided the total area of all signs are reduced by fifty percent (50%) in sign area and the height of the freestanding sign does not exceed twenty five (25) feet.

**P. HOME OCCUPATION AND HOME BUSINESS SIGNS:**
1. Home occupation and home business signs shall not exceed four (4) square feet in size.
2. Are permitted and classified as an accessory use in all residential zoning districts and do not require a permit.
3. One accessory nameplate and home occupation sign or combination thereof is permitted for each dwelling.
4. Home occupation and home business signs must be attached flatly to the building not to exceed the height of the eave line.
5. Home occupation and home business sign shall not be illuminated.

**Q. PARKING LOT SIGNS:**

A. All parking lot signs shall meet the standards set forth in table 3 of this section:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Area</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>16 square feet</td>
<td>12 feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>32 square feet</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018  Page 173
1. The sign shall not revolve or move.

2. The sign may be internally illuminated.

3. No roof signs shall be allowed.

**R. PROJECT SIGNS:**

One or more project signs for contractors or other participants in construction of buildings or development of grounds are allowed as a temporary use during the term of construction.

A. The total area shall not exceed thirty two (32) square feet and the height shall not exceed six (6) feet in height.

B. Signs shall not be internally illuminated.

C. Signs shall be removed within thirty (30) days of the issuance of the Certificate of Occupancy.

**Q. PROPERTY SIGNS:**

Temporary public information signs used for the purpose of advertising premises for sale, lease, or rent, or as a warning or danger or trespass notice pertinent to premises upon which a sign is located are allowed.

A. The maximum area and height shall be as set forth in table 4 of this section.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Area</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>4 square feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>16 square feet</td>
<td>6 feet</td>
</tr>
</tbody>
</table>

B. Signs shall not be internally illuminated.
C. Signs may be freestanding or building signs. If the sign is a building sign, the sign shall not exceed the height of the eaves.

S. PUBLIC SIGNS:

Informational signs for public and semipublic buildings including churches, clinics, clubs, lodges, and like uses are allowed for each property, in all districts.

A. Maximum Area And Height: Maximum area and height for public signs shall be as set forth in Table 5 of this section:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Area ¹,²</th>
<th>Maximum Height ¹,²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>12 square feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>32 square feet</td>
<td>46 25 feet</td>
</tr>
</tbody>
</table>

Notes:

1. Public building signs shall not project above the eaves of the building, or as set forth above, whichever is less.

2. A larger area or higher sign may be considered under the Class II procedures.

T. DIRECTORY INFORMATIONAL SIGN: One directory informational sign is allowed for each property; provided, however, that such sign may not exceed four (4) square feet in area. The directory sign shall not be calculated in the maximum allowed area as set forth in Table 6 of this section.

1. If freestanding, the sign not revolve and/or flash.
2. No roof signs shall be allowed.
3. Illumination: Public signs shall not have direct, internal, or neon illumination.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Area(^1,2)</th>
<th>Maximum Height (^1,2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>12 square feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>32 square feet</td>
<td>16 feet</td>
</tr>
</tbody>
</table>

Notes:
1. Public building signs shall not project above the eaves of the building, or as set forth above, whichever is less.
2. A larger area or higher sign may be considered under the Class II procedures.

U. PUBLIC SIGNS FOR CIVIC BUILDINGS OR GROUNDS: Identification and information signs for public buildings and grounds used to conduct civic events including, but not limited to: athletic fields, stadiums, auditoriums, fairgrounds and arenas, are allowed with the following standards:

1. In commercial zoning districts, one freestanding sign shall be allowed along each street frontage in accord with the following standards:
   a. The maximum sign area shall be one hundred (100) square feet.
   b. The maximum height shall be twenty five (25) feet above grade. A building permit is required for any sign structure or sign over six (6) feet in height;
   c. That the sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare or reflect onto adjacent residential areas;
   d. The sign may have internal illumination only.

2. In residential zoning districts, one freestanding sign shall be allowed along each street frontage in accord with the following standards:
   a. The maximum sign area shall be one hundred (100) square feet;
   b. The maximum height shall be fifteen (15) feet above grade. A building permit is required for any sign structure or sign over six (6) feet in height;
c. That the sign will not obstruct views of users of adjacent buildings to side yards, front yards, or to open space;

d. That the sign is compatible with the height of existing buildings of the existing neighborhood and does not impose an inharmonious element to the existing residential neighborhood;

e. That the sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare or reflect onto adjacent residentially zoned areas;

f. The sign may have internal illumination only.

3. A public building sign for a civic event is allowed on the building face that is oriented to the street on which the property has access in accord with the following standards:

a. If the building sign is in lieu of a freestanding sign as outlined above, the maximum area shall be fifteen percent (15%) of the building face, not to exceed one hundred fifty (150) square feet.

b. If the building sign is in addition to a freestanding sign as outlined above, the maximum area shall be five percent (5%) of the building face, not to exceed sixty four (64) square feet.

c. The maximum height shall be thirty feet (30').

d. The sign may have internal illumination only.

v. SUBDIVISION SIGNS:

1. Identification and informational signs for subdivisions, subdivision sales offices, and model homes in all residential and commercial zoning districts are allowed, as a temporary use, in accord with the standards of this subsection V.

3. Maximum sign area shall be as set forth in Table 7 of this section.

<table>
<thead>
<tr>
<th>TABLE 7: MAXIMUM AREA AND HEIGHT FOR SUBDIVISION SIGNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District</td>
</tr>
<tr>
<td>Residential zoning district</td>
</tr>
</tbody>
</table>

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Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
3. Signs may have internal illumination.

4. No roof signs shall be allowed.

5. All signs shall be stationary, no tethered balloons or balloon type signs or displays are permitted.

**W. Political Signs**

A. Residential property: Total of sixteen (16) square feet per property.

B. Commercial property: Total of sixty four (64) square feet per property.

C. Additional Standards:
   1. Such signs are placed no more than sixty (60) calendar days before the election to which they relate and are removed within ten (10) calendar days after that election.
   2. Political signs shall be placed only on private property.
   3. Political signs shall not be placed on any public property, in a public right-of-way, in any private road easement, or posted on any utility pole or device.
   4. Political signs shall be designed and located in such a manner so that such signs do not interfere with, or will be confused with, a traffic control sign, or obstruct the vision of traffic or be located in a sight visibility triangle.

**X. TEMPORARY SIGNS:**

Those signs herein designated as being temporary signs shall be completely removed by the owner of the sign or by the owner of the property upon which the sign is located on the expiration date of the event or activity for which the sign was used.
Y. NONCONFORMING SIGNS:

Nonconforming signs shall be deemed to be a nonconforming use and/or structure (as applicable) and may be continued subject to the standards set forth in Chapter 1 of this ordinance.
APPENDIX B

IDAHO ATTORNEY GENERAL’S TAKINGS
CHECKLIST CRITERIA

Agency staff must use the following questions in reviewing the potential impact of a regulatory or administrative action on specific property. While these questions also provide a framework for evaluating the impact proposed regulations may have generally, takings question normally arise in the context of specific affected property. The public review process used for evaluating proposed regulations is another tool that the agency should use aggressively to safeguard rights of private property owners. If property is subject to regulatory jurisdiction of multiple government agencies, each agency should be sensitive to the cumulative impacts of the various regulatory restrictions.

Although a question may be answered affirmatively, it does not mean that here has been a “taking”. Rather, it means there could be a constitutional issue and that agency staff should carefully review the proposed action with legal counsel.

Does the Regulation or Action Result in a Permanent or Temporary Physical Occupation of Private Property?

Regulation or action resulting in a permanent or temporary physical occupation of all or a portion of private property will generally constitute a “taking”. For example, a regulation that required landlords to allow the installation of cable television boxes in their apartments was found to constitute a “taking”. See Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982).

The acquisition of private property through eminent domain authority is distinct from situations where a regulation results in the physical occupation of private property. The exercise of eminent domain authority is governed by the procedures in chapter 7, title 7, Idaho Code. Whenever a state or local unit of government, or a public utility, is negotiating to acquire private property under eminent domain, the condemning authority must provide the private property owner with a form summarizing the property owner’s rights. Section 7-711A, Idaho Code, identifies the required content for the advice of rights form.

Does the Regulation or Action Require a Property Owner to Dedicate a Portion of Property or to Grant an Easement?

Carefully review all regulations requiring the dedication of property or grant of an easement. The dedication of property must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed development. Likewise, the magnitude of the burden placed on the proposed development...
should be reasonably related to the adverse impacts created by the development. A court will also consider whether the action in question substantially advances a legitimate state interest.

For example, the United States Supreme Court determined in Nollan v. California Costal Comm’n, in 483 U.S. 845 (1987), that compelling an owner of waterfront property to grant a public easement across his property that does not substantially advance the public’s interest in beach access constitutes a “taking”. Likewise, the United States Supreme Court held that compelling a property owner to leave a public greenway, as opposed to a private one, did not substantially advance protection of a floodplain, and was a “taking”. Dolan v. City of Tigard, 114 U.S. 239 (1994)

Does the Regulation Deprive the Owner of all Economically Viable Uses of the Property?

If a regulation prohibits all economically viable or beneficial uses of the land, it will likely constitute a “taking”. In this situation, the agency can avoid liability for just compensation only if it can demonstrate that the proposed uses are prohibited by the laws of nuisances of other pre-existing limitations on the use of the property. See Lucas v. South Carolina Coastal Coun., 112 S. Ct. 2886 (1992). Unlike 1. and 2. above, it is important to analyze the regulation’s impact on the property as a whole, and not just the impact on a portion of the property. It is also important to assess whether there is any profitable use of the remaining property available. See Florida Rock Industries, Inc. v. United States, 18 F.3d 1560 (Fed. Cir. 1994). The remaining use does not necessarily have to be the owner’s planned use, a prior use or the highest and best use of the property. One factor in the assessment is the degree to which the regulatory action interferes with a property owner’s reasonable investment-backed development expectations.

Carefully review regulations requiring that all of a particular parcel of land be left substantially in its natural state. A prohibition of all economically viable uses of the property is vulnerable to a takings challenge. In some situations, however, there may be pre-existing limitations on the use of property that could insulate the government from takings liability.

Does the Regulation Have a Significant Impact on the Landowner’s Economic Interest?

Carefully review regulations that have a significant impact on the owner’s economic interest. Courts will often compare the value of the property before and after the impact of the challenged regulation. Although a reduction in property value alone may not be a “taking”, a severe reduction in property value often indicates a reduction or elimination of reasonably profitable uses. Another economic factor courts will consider is the degree to which the challenged regulation impacts and development rights of the owner. As with 3 above, these economic factors are normally applied to the property as a whole.

A moratorium as a planning tool may be used pursuant to Idaho Code § 67-6523—Emergency Ordinances and Moratoriums (written findings of imminent peril to public health, safety, or welfare; may not be longer than 182 days); and Idaho Code § 67-6524—Interim Ordinances and Moratoriums (written findings of imminent peril to public health, safety, or welfare; the
ordinance must state a definite period of time for the moratorium). Absence of the written findings may prove fatal to a determination of the reasonableness of the government action. The Idaho moratorium provisions appear to be consistent with the United States Supreme Court’s interpretation of moratorium as a planning tool as well. In Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 122 S. Ct. 1465 (2002), the Court held that planning moratoriums may be effective land use planning tools. Generally, moratoriums in excess of one year should be viewed with skepticism, but should be considered as one factor in the determination of whether a taking has occurred. An essential element pursuant to Idaho law is the issuance of written findings in conjunction with the issuance of moratoriums. See Idaho Code §§ 67-6523 to 67-6524.

5. Does the Regulation Deny a Fundamental Attribute of Ownership?
Regulations that deny the landowner a fundamental attribute of ownership -- including the right to possess, exclude others and dispose of all or a portion of the property -- are potential takings.

The United States Supreme Court recently held that requiring a public easement for recreational purposes where the harm to be prevented was to the flood plain was a “taking.” In finding this to be a “taking,” the Court stated:
The city never demonstrated why a public greenway, as opposed to a private one, was required in the interest of flood control. The difference to the petitioner, of course, is the loss of her ability to exclude others … [T]his right to exclude others is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.” Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994).

Does the Regulation Deny a Fundamental Attribute of Ownership?
Regulations that deny the landowner a fundamental attribute of ownership - including the right to possess, exclude others and dispose of all or a portion of the property – are potential “ takings”.

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The city never demonstrated why a public green way, as opposed to a private one, was required in the interest of flood control. The difference to the petitioner, of course, is the loss of her ability to exclude others …this right to exclude others is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.” Dolan v. City of Tigard, 114 U.S. 2309 (June 24, 1994). The United States Supreme Court has also held that barring the inheritance (an essential attribute of ownership) of certain interests in land held by individual members of an Indian tribe constituted a “taking”. Hodel v. Irving 481 U.S. 704 (1987).
Does the Regulation Serve the Same Purpose that Would be Served by Directly Prohibiting the Use of Action: and Does the Condition Imposed Substantially Advance that Purpose?

A regulation may go too far and may result in a takings claim where it does not substantially advance a legitimate governmental purpose. *Nolan v. California Coastal Commission*, 107 S. Ct. 3141 (1984); *Dolan v. City of Tigard*, 114 U.S. 2309 (June 24, 1994).

In Nollan, the United States Supreme Court held that it was an unconstitutional “taking” to condition the issuance of a permit to land owners on the grant of an easement to the public to use their beach. The Court found that since there was no indication that the Nollans’ house plans interfered in any way with the public’s ability to walk up and down the beach, there was no “nexus” between any public interest that might be harmed by the construction of the house, and the permit conditions. Lacking this connection, the required easement was just as unconstitutional as it would be if imposed outside the permit context.

Similarly, regulatory actions that closely resemble, or have the effects of a physical invasion or occupation of property, are more likely to be found to be “takings.” The greater the deprivation of use, the greater the likelihood that a “taking” will be found.
APPENDIX C

IDAHO CODE ESTABLISHING REQUIREMENTS FOR THE SUBDIVISION OF IRRIGATED LANDS

A. **Purpose:** The purpose of this appendix is to provide ordinance users with a copy of a section of the Idaho Code for reference purposes.

B. **I.C. 31-3805. Delivery of water:** (1) When either a subdivision within the meaning of Chapter 13, Title 50, Idaho Code, or a subdivision subject to a more restrictive County or City zoning ordinance is proposed within the State of Idaho, and all or any part of said subdivision would be located within the boundaries of an existing irrigation district or other canal company, ditch association, or like irrigation water delivery entity, hereinafter called “irrigation entity” for the purposes of this section, no subdivision plat will be accepted, approved, and recorded unless:

- The water rights appurtenant and the assessment obligation of the lands is said subdivision which are within the irrigation entity have been transferred from said lands or excluded from an irrigation district by the owner thereof; or by the person, firm, or corporation filing the subdivision plat; or

  a. The owner or person, firm or corporation filing the subdivision plat has provided for underground tile or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity, with the following appropriate approvals:

  b. For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority and the city council with the advice of the irrigation entity charged with the delivery of water to said lands.

  c. For proposed subdivisions located outside incorporated cities but within one (1) mile outside the incorporated limits of any city, both city and county zoning authorities and city council and county commissions must approve such irrigation system in accordance with section 50-1306, Idaho Code. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

  d. For proposed subdivisions located in counties without a zoning ordinance, such irrigation system must be approved by the irrigation entity charged with the delivery of water to said lands.
(2)(a) In the event that the provisions of either subsections (1)(a) or (1)(b) of this section have not been complied with, the assessments of the irrigation entity for operation, maintenance, construction, and other valid charges permitted by statute shall in no way be affected. However, any person, firm, or corporation or any other person offering such lots in such subdivision for sale, or selling such lot shall, prior to the sale, advise the purchaser in writing as follows:

A. That water deliveries have not been provided; and

B. That the purchaser of the lot must remain subject to all assessments levied by the irrigation entity; and

C. That the individual purchaser shall be responsible to pay such legal assessments; and

D. That the purchaser may at a future date petition the appropriate irrigation entity for exclusion from the Irrigation District.

   a. A disclosure statement executed by the purchasers and duly acknowledged, containing the representations required in this subdivision of this section, shall be obtained by the seller at the time or receipt of the earnest money from the purchaser, and affixed to the proposed sales contract and a copy thereof shall be forwarded to the appropriate irrigation entity.

I.C. 31-3806. Civil Action to Enforce. (1) If the owner of the property, or the person, firm or corporation filing the subdivision plat fails to comply with either subsection (1)(a) of Section 31-3805, Idaho Code, prior to sale of lots in the subdivision to purchasers, the owner of the property, or the person, firm or corporation filing the subdivision plat shall be liable to any purchaser for the costs of the lot’s exclusion plus all assessments due and owing of the actual cost of installation of an irrigation delivery system not to exceed one thousand five hundred dollars ($1,500) per lot. The purchaser shall have a right to enforce this obligation in a civil action and the purchaser shall have the right elect exclusion or installation of the system in such action. (2) Any person, firm or corporation who shall omit, neglect, or refuse to provide the purchaser or the irrigation district within whose boundaries the land is located, a copy of the disclosure statement required by subsections (2)(a) and (2)(b) of section 31-3805, Idaho Code:

E. Shall be liable to the purchaser as provided in subsection (1) of this section;

F. Shall be liable to the irrigation district for its reasonable expense, including employee time, of locating the purchaser and providing the information required in the form and for advising affected purchasers of the lack of a water delivery system and for any assessments on the property that are past due at the time of discovery of the violation. The irrigation district affected shall have a right to claim such expenses in a civil action. (3) In any civil action filed under subsection (1) or (2) of this section, the prevailing party shall be awarded its reasonable costs and attorney’s fees and the purchaser and irrigation district shall have two (2) years from the date of discovery of the violation to initiate any action.
APPENDIX D
SPECIFIC USE STANDARDS

A. PURPOSE:

This appendix provides specific standards for all uses as set forth within the applicable zoning district or overlay district.

B. APPLICABILITY:

These regulations apply to any property in the corporate limits of the City of Island Park and the designated Area of City Impact where the specific use is listed as a Class I or Class II use in the zoning district or otherwise allowed by an overlay district.

These standards are in addition to the requirements of Chapters V, VI, and VII, and all appendices of this ordinance.

C. SPECIFIC USE STANDARDS:

1. Accessory Structure:

A. General Standards:

1. A permitted dwelling with a valid certificate of occupancy, or a permitted dwelling under construction with a valid building permit, shall be present on the subject property.

2. The structure shall not be used as an additional dwelling, except as provided for secondary dwellings.
3. The accessory structure shall not be used to conduct a commercial business, except as provided for in this Appendix as a Residential Business.

5. All accessory structures shall be included in the coverage calculations for a particular property.

B. Location Standards: The location of accessory structures shall be restricted as follows:

1. Accessory structures may be located in a required setbacks. Accessory structures shall not be located in or on any publicly dedicated easements or easements recorded with the Fremont County Recorder.

2. Accessory structures shall not impede connection of the dwelling to a municipal wastewater collection and treatment system.

3. Accessory structures in the front yard shall not block the view of the main entrance to the principal permitted dwelling.

C. Size Standards: The size of accessory structures shall be restricted as follows:

1. Accessory structures in the front yard shall not exceed fifty percent (50%) of the square footage of the footprint of the permitted dwelling or one thousand five hundred (1,500) square feet, whichever is less.

D. Height Standards: The height of an accessory structure shall be restricted as follows:

1. An accessory structure shall not exceed a height of twenty four feet (24').

2. In a residential zoning district, accessory structures located in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen feet (15') behind the front wall of the principal permitted dwelling, shall not exceed the height of the principal permitted dwelling.

E. Design Standards:

1. All accessory structures shall meet all of the following design standards;

   a. The roofing and finish materials shall be similar in color to the dwelling; and

   b. The roof shall have a similar pitch to that of the principal permitted dwelling.

\textbf{ADULT ENTERTAINMENT ESTABLISHMENT:}

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
A. Separations: In accordance with Idaho Code §67-6533, the following distance separations shall be required:

1. No adult entertainment establishment shall be allowed within one thousand feet (1,000') of another existing adult entertainment establishment.

2. No adult entertainment establishment shall be located within one thousand feet (1,000') of any church or place of religious worship.

3. No adult entertainment establishment shall be located within one thousand feet (1,000') of any school as herein defined.

4. The applicant shall provide evidence certified by a professional land surveyor licensed in the state of Idaho that the proposed adult entertainment establishment conforms to the separation requirements of this subsection A.

5. For the purposes of this subsection, distances shall be measured from the from door or main entrance for an adult entertainment establishment to the front door or main entrance of another listed use.

B. Signs:

1. All adult entertainment establishments shall comply with the regulations of Appendix A of this title. Further, signs for adult entertainment establishments shall not contain any emphasis, either by movement, picture, or otherwise, on matter relating to "adult entertainment" as herein defined.

2. Any business providing adult entertainment or adult material shall have in place at each entrance to such business a legible door sign (as defined herein) stating "Persons under 18 years of age not permitted". The sign shall be no less than 0.5 square feet and no greater than one (1) square foot in area. Such sign shall not require permitting or approval as set forth in Appendix A of this ordinance.

C. Definitions: See Chapter X-Definitions

AMUSEMENT OR RECREATION FACILITY, INDOOR:

There are no additional standards for this specific use.

AMUSEMENT OR RECREATION FACILITY, OUTDOOR:

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
A. General Standards:

1. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred feet (100') from all abutting residential districts.

2. Any outdoor speaker system associated with the amusement or recreation facility shall comply with the noise regulations of Chapter V of this ordinance.

3. All outdoor activities and events shall be scheduled so as to complete all activity before or as near to nine thirty o'clock (9:30) P.M. as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after ten o'clock (10:00) P.M. except to conclude a scheduled event that was in progress before ten o'clock (10:00) P.M. and circumstances prevented concluding before ten o'clock (10:00) P.M. All illumination shall be terminated no later than one hour after conclusion of the event.

B. Golf Driving Range: Accessory sales and rental of golf equipment shall be allowed. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

C. Swimming Pool: Any outdoor swimming pool shall be completely enclosed within a six foot (6') barrier that meets the requirements of the City of Island Park building code.

**ANIMAL BOARDING WITH OUTSIDE RUNS:**

A. A six hundred foot (600') separation shall be maintained between the area and structures where animals are housed and any property line.

B. Adequate fencing shall be provided to restrain animals from running at large. At a minimum, the animals shall be enclosed within a six foot (6') fence or wall. Electronic fences shall not be used as the sole method of restraining animals.

C. Five percent (5%) of the building floor area, excluding the kennel area, may be used for related retail sales.

D. A grooming facility is allowed, but not to occupy more than thirty five percent (35%) of the building floor area, excluding the kennel area.

**ANIMAL CLINIC, ANIMAL HOSPITAL, OR VETERINARY OFFICE:**

A. The facility shall comply with all state regulations relative to such use.
**ASPHALT OR CONCRETE READY MIX PLANT:**

A. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry.

B. Any structure or equipment shall be a minimum of one thousand feet (1,000') from any dwelling other than the dwelling of the owner or caretaker of the subject property.

C. Outdoor storage areas shall comply with the requirements for Outside Storage of this Appendix.

**AUTOMOBILE, MAJOR REPAIR:**

A. The use shall not constitute a "junkyard" as herein defined.

B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with the requirements for Outside Storage of this Appendix.

D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.

**AUTOMOTIVE, HOBBY:** An accessory use involving the restoration, maintenance, and/or preservation of two (2) or more vehicles at any one time. It is the intent of this regulation to allow for restoration, maintenance, and/or preservation of motor vehicles as a hobby. The following standards shall apply:

A. There shall be no wholesale or retail sale of automotive parts or supplies; no sale of commercial vehicles (as defined in Idaho Code Chapter 49) and no major repair of automobiles or trucks;

B. There shall be no commercial restoration, repair, or maintenance of motor vehicles.

C. The site for an automotive hobby shall be maintained in an orderly manner so as not to create a public nuisance;

D. Not more than two (2) inoperable, dismantled, or unregistered motor vehicles may be visible from any street or private road. All other inoperable, dismantled, or unregistered motor vehicles shall be stored: 1) in the rear or side yard behind a sight obscuring fence, wall, or screen that is not less than six feet (6') in height, or 2) within a completely
enclosed structure;

E. Shall not constitute a junkyard; and

F. Exempt from these provisions are the off-season storage of privately owned snow machines and ATV’s, and storage of snow removal equipment as set forth in this Appendix.

**AUTOMOBILE OR RECREATIONAL VEHICLE SALES OR SERVICE:**

A. The use shall not constitute a junkyard.

B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with the requirements for Outdoor Storage of this Appendix.

D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.

E. Automotive sales and rental areas shall be subject to the landscape and screening requirement of parking areas in Chapter V of this ordinance.

**BANK:** There are no additional standards for this specific use. If drive through banking is permitted, vehicle stacking lanes shall be available on the property. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten feet (10’) of any residential zoning district.

**BAR, BREWPUB, OR NIGHTCLUB:**

A. The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

B. The bar, brew pub, or nightclub shall not be located within one thousand feet (1,000’) of a church or school property.

C. For properties abutting a residential zoning district, no outside activity or event shall be allowed on the site, except as provided for by the requirements for "Temporary Use", of this Appendix.
**BED AND BREAKFAST ESTABLISHMENT:**

A. The minimum property size for a bed and breakfast establishment shall be one acre.

B. Any such facility shall be an owner occupied dwelling.

C. If remodeling an existing structure, the exterior appearance of the structure shall be that of a single-family dwelling. Fire escapes and other features may be added to protect public safety; however, structural alterations may not be made that would prevent future use of the structure as a single-family dwelling.

D. No more than ten (10) occupants (including, but not limited to, the owner, the owner's family, and any resident or nonresident employees) shall be permitted to occupy the facility at any one time (daytime, evening, or night).

E. Breakfast shall be served on the premises only for guests and employees of the facility. No other meals shall be provided on the premises. Guestrooms may not be equipped with cooking facilities, including but not limited to, stoves, hot plates, or microwave ovens.

F. Only business signs referring solely to a principal permitted use of the bed and breakfast are permitted.

**BOARDING HOUSE:**

No more than ten (10) occupants (including any resident staff and family) shall be permitted to occupy any such facility at one time.

**BOATHOUSE:**

A. Permit. A boathouse shall require a Class I permit and the application shall specifically require the following:

1. Submission of a site plan and topographic survey depicting the location and dimensions of all existing structures located on the premises, the distances between such structures and between such structures and all lot or parcel lines, the height of any such structures, the average annual high-water mark, the meander line, structures on adjacent properties within one hundred (100) feet, and other information as required by the Administrator.

2. Use. A boathouse shall be designed solely for boat storage and storage of related boating and lake use equipment and shall not be used for human habitation. Boathouses shall not be permitted to be connected to private or public utilities other than electricity and shall not be connected to water service or an on- or off-site septic system or a sewer system.

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
3. Timing of Construction. A boathouse shall be considered an accessory building to a primary structure and shall not be constructed prior to construction of the principal building on the lot.

4. Number. For residential properties, only one (1) boathouse shall be permitted on a lot or parcel. For commercial properties, the number of boathouses shall be subject to a Class II Permit.

5. Location. The construction or placing of a boathouse below the average annual high-water mark of any navigable waters is strictly prohibited. Boathouses shall be located a minimum of three feet (3') from the average annual high-water mark (AHWM), and a minimum distance from the side lot line that is equivalent to the side yard setback requirements for a principal structure within the zoning district.

6. Height. The height of a boathouse shall be the same as an accessory structure.

7. Size. Boathouses shall not exceed five hundred (500) square feet in area. Boathouses shall not be more than one (1) story in height.

8. Lakeshore Buffer. A boathouse may be allowed in a lakeshore buffer area.

9. If other structures already exist within the lakeshore buffer, removal or relocation of those structures may be required.

**CAMPGROUND:**

A. Access: The campground site shall have direct access from an arterial street or state highway.

B. Design Standards:

1. The applicant shall indicate the specific location of each proposed cabin, campsite, or recreational vehicle space on the master site plan.

2. A fifty foot (50') landscaped setback with protective screening or fencing shall be required on property boundaries adjacent to a public right of way. Those property boundaries abutting private property shall require a landscape setback of fifty feet (50') with protective fencing.

3. A three hundred foot (300') separation shall be maintained between any outdoor activity area (including campsites and recreation facilities) and any existing residential subdivision, residential development, or residential zoning district.
4. Any outdoor speaker system associated with the campground shall comply with the noise regulations of Chapter V of this Ordinance.

5. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational structures, coin operated laundry facilities, restroom and/or changing facility (showers are permitted), subject to the following restrictions:

a. Such uses shall be restricted in their use to occupants of the campground.
b. Such uses shall present no visible evidence of their commercial character to attract customers other than occupants of the campground.
c. The structures enclosing such uses shall not be located closer than one hundred feet (100') to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the campground.

6. Use of Spaces: Spaces may be used by recreational vehicles, tents or temporary shelter arrangements or devices.

**CAR WASH:**

A. All businesses providing self-service or drive-through car wash facilities shall identify the stacking lane and wash location on the master site plan.

B. A car wash facility may be a standalone facility or may be allowed only as an accessory use to a gasoline, diesel, or alternative fuel sales facility.

C. There shall be an increase of twenty-five percent (25%) for the required screening points required between any car wash facility and any residential zoning district. (Ord. 19-162, 10/24/2019)

D. Any outdoor speaker system associated with the car wash shall comply with the noise regulations of Chapter V of this ordinance.

E. Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten feet (10') of any residential district.

**CEMETERY:**

A. A cemetery shall comply with the requirements of Idaho Code Title 27, Chapter 4.
B. For the purposes of this subsection, the term "structures" shall include, but not be limited to, mausoleum, columbaria, and crypts. No structure, exclusive of fences or walls, shall be located within one hundred feet (100') from any existing dwelling other than the dwelling of the owner or caretaker. Structures shall conform to the height limitation and required yards for the underlying zoning district.

C. Family burial grounds are permitted.

D. Graves and monuments shall not be located within twenty feet (20') from any property line.

E. All cemeteries shall be platted according to the regulations of the Idaho Code.

**CHILDREN'S TREATMENT FACILITY:**

A. The applicant or owner shall secure and maintain a license from the state of Idaho department of health and welfare family and children's services division.

**CHURCH:**

A. Churches and associated uses are allowed in any zoning district, but may be limited in use and siting if located in any overlay district.

B. Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

**CLINIC, MEDICAL (EXCLUDING ANIMAL OR VETERINARY):**

There are no additional standards for this specific use.

**CLUB OR LODGE OR SOCIAL HALL:**

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018  Page 195
A. Club or Lodge or Social Halls shall only be permitted in a commercial zoning district.

B. All structures shall meet the minimum required setbacks for the applicable base district.

C. Any food service shall be approved by the east Idaho public health district.

**CONCRETE READY-MIX PLANT:** See Asphalt or Concrete Ready-Mix Plant

**CONTRACTOR'S YARD OR SHOP:**

A. General Standards:

1. Contractors yards or shops shall be permitted in a commercial zoning district. All structures and outdoor storage areas shall be depicted on the master site plan. Structures and outdoor storage areas shall have an increase of twenty-five percent (25%) for the required screening points required where adjacent to residential zoning or uses. (Ord. 19-162, 10/24/2019)

2. Outdoor storage areas shall be screened year-round and comply with the requirements for Outside Storage of this Appendix.

3. The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.

4. For the purposes of this title, a contractor's yard or shop is not a home occupation.

5. The property shall have approved access from a public roadway for the use.

6. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.

7. Accessory office space shall be identified on the master site plan.

8. Parking area improvements shall comply with the standards found in Chapter V of this ordinance and shall be delineated on the site plan or parking plan. No on street parking or maneuvering of vehicles or equipment associated with the use is allowed.

9. Use of the property shall comply with the requirements for "Noise", in Chapter v of this ordinance.

10. Hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. unless otherwise approved or restricted with a Class II Permit.
11. No retail sales associated with a contractor's yard or shop may occur on the property unless retail sales are approved with a different use that allows retail sales.

12. A building permit may be required for the change in use or occupancy of any existing structure, or portion thereof, used in association with a contractor's yard or shop.

B. Additional Standards: Additional standards for a contractor's yard or shop:

1. The following shall be considered as part of the review of an application for a Class II Permit for a contractor's yard or shop:
   a. The proximity of existing dwellings;
   b. The number of employees;
   c. The hours and days of operation;
   d. Dust;
   e. Noise;
   f. Outdoor loading;
   g. Traffic;
   h. Landscaping and screening;
   i. Other.

CREMATORY:

A. The applicant or owner shall obtain written approval from the state of Idaho division of environmental quality.

B. A crematory, whether lying within or without the limits of a cemetery, shall be a minimum of one hundred feet (100') from any property line. The applicant shall provide written documentation that the crematory structures and equipment shall not create a public nuisance by reason of smoke or odor extending beyond or outside of the property lines of the subject premises.

C. The site for the crematory shall be maintained in an orderly manner so as not to create a public nuisance.
DAYCARE CENTER, FAMILY DAYCARE HOME, GROUP DAYCARE FACILITY:

A. Standards For Daycare Centers: A place or facility providing daycare for compensation for thirteen (13) or more children. (Idaho Code §39-1102)

1. There shall be a minimum of thirty five (35) square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.

2. On site vehicle parking and pick up and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

3. The decision-making body shall specify the maximum number of allowable clients as a condition of approval, based on the requirements of this ordinance and the Idaho Code.

4. The decision-making body shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. The decision-making body may require additional conditions as are necessary to protect the public health, safety, and welfare of the clients and surrounding properties.

5. No portion of the facilities used by clients may be within three hundred feet (300') of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline, diesel, or alternative fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

6. The daycare center operator shall secure and maintain a daycare center license from the state of Idaho department of health and welfare.

7. The daycare center operator shall provide a minimum outdoor play area of one hundred (100) square feet per child. The minimum play area requirement may be waived if: a) there is greater or equal area of parks that abut the facility that can be used by the children, or b) the program design is such that the number of children using the play area at any one time conforms to the one hundred (100) square foot per child criteria.

8. All outdoor play areas shall be completely enclosed by a minimum of six foot (6') barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the City of Island Park building code.

9. Outdoor play equipment over six feet (6') high shall not be located in any required yard.

10. The proposed use shall be located and designed to protect the health, safety, and welfare of the children.
11. Minimum staff required is one per six (6) children under eighteen (18) months; one per twelve (12) children eighteen (18) months to five (5) years; and one per eighteen (18) children aged five (5) years or older.

12. A fire inspection and a health inspection are required by Idaho Code §§39-1104, §§39-1109 and §§39-1110. The daycare operator shall apply to the Idaho department of health and welfare for the inspections.

13. A criminal history check is required by Idaho Code §39-1105. The daycare operator shall apply for the criminal history check at the Idaho department of health and welfare.


15. A commercial building permit is required for the entire structure(s) used for the daycare center.

16. Hours of operation are limited to seven o'clock (7:00) A.M. to six o'clock (6:00) P.M. or as specified in the Class II permit.

B. Standards For Family Daycare Homes: Family daycare home" means a home, place, or facility providing daycare for six (6) or fewer children.

1. If any of the children cared for at the family daycare home are younger than seven (7) years of age, a criminal history check of staff shall be obtained from the Idaho department of health and welfare.

2. Hours of operation are limited to seven o'clock (7:00) A.M. to six o'clock (6:00) P.M.

3. If outdoor lighting is to be used, it shall comply with the requirements for Outdoor Lighting in Chapter V of this ordinance.

C. Standards For Group Daycare Facilities: "Group daycare facility" means a home, place, or facility providing daycare for seven (7) to twelve (12) children

1. There shall be a minimum of thirty five (35) square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms and kitchen.

2. No overnight parking shall be allowed. On site parking for the group daycare facility shall not use the parking space(s) required for the dwelling unit or other approved uses located on the site.
3. The applicant shall provide a minimum outdoor play area of one hundred (100) square feet per child. The Administrator may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.

4. All outdoor areas shall be completely enclosed by a minimum of six foot (6') barriers to secure against exit or entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the City of Island Park building code.

5. Outdoor play equipment over six feet (6') high shall not be located in any required yard.

6. Minimum staff required is one staff person per six (6) children younger than eighteen (18) months and one staff person per twelve (12) children eighteen (18) months old or older.

7. A fire inspection is required by the Island Park Fire District. A copy of the written inspection report from the Fire District shall be submitted as part of the application materials.

8. If any of the children cared for at the group daycare facility are younger than seven (7) years of age, a criminal history check of staff is required from the Idaho department of health and welfare, per Idaho Code §39-1114.

9. Hours of operation are limited to seven o'clock (7:00) A.M. to six o'clock (6:00) P.M., or as otherwise permitted for in the Class II Permit.

10. If outdoor lighting is to be used, it shall comply with the requirements of a master site

**DRIVE-UP WINDOW SERVICE:**

A. All businesses providing drive-up window service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the master site plan.

B. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. The stacking lane shall not be located within ten feet (10') of any residential district.

C. Any outdoor speaker system associated with the drive-up window service shall comply with the noise regulations of Chapter V, Division 4.

**DRUG AND ALCOHOL TREATMENT FACILITY:**
The owner of the facility shall secure and maintain a license from the state of Idaho department of health and welfare mental health and substance abuse division.

**DRIVE-UP WINDOW SERVICE:** A. All businesses providing drive-up window service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the master site plan.

B. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. The stacking lane shall not be located within ten feet (10') of any residential district.

C. Any outdoor speaker system associated with the drive-up window service shall comply with the noise regulations of Chapter V of this ordinance.

**DRUG AND ALCOHOL TREATMENT FACILITY:**

The owner of the facility shall secure and maintain a license from the state of Idaho department of health and welfare mental health and substance abuse division. A copy of said license shall be submitted as part of the Class II permit application materials.

**DUPLEX OR SINGLE-FAMILY ATTACHED DWELLING:**

Only one duplex or single-family attached dwelling shall be allowed per property.

**DWELLING, CARETAKER FOR AN APPROVED USE:**

A. A caretaker dwelling is needed to house the owner or the owner's employee of an approved use.

B. Need for the caretaker dwelling shall be justified for reasons of upkeep on the property, supervision of operations, and/or guarding materials stored on site.

C. No more than one permanent additional dwelling (including, but not limited to, principally permitted dwelling, caretaker dwelling, or secondary dwelling) shall be permitted on a property.

**DWELLING, SECONDARY ATTACHED OR DETACHED:**

2016 Development Code  
City Council public hearing on July 28, 2016.  
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.  
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017  
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018  
Page 201
A. General Standards For Attached And Detached Secondary Dwellings:

1. The secondary dwelling shall be clearly incidental and subordinate to the primary dwelling.
2. A secondary dwelling shall not be permitted to be used as a Transient Rental use.
3. The allowable footprint (including any attached garage) for a secondary dwelling shall be a maximum of nine hundred (900) square feet or sixty percent (60%) of the footprint (including any attached garage) of the primary dwelling, whichever is less.
4. A principal permitted dwelling with a valid certificate of occupancy must be present on the subject property.
5. No more than one permanent additional dwelling (including, but not limited to, a caretaker dwelling or a secondary dwelling) shall be permitted on a property.
6. Off street parking shall be provided for as set forth in Chapter V of this ordinance in addition to the required off street parking for the dwelling.
7. Either the principal dwelling or the secondary dwelling must be owner occupied at all times. The secondary dwelling must be occupied by the owner of the principal permitted dwelling, a member of the owner's immediate family, or the owner's employee.
8. The applicant or owner shall provide a written statement annually (12 months from date of approval) stating that the use of the secondary dwelling is continuing in compliance with all requirements and conditions of approval.
9. The secondary dwelling shall be architecturally compatible with the principal permitted dwelling and shall use building materials (including, but not limited to, roofing, siding, and finish materials and exterior wall treatments) similar in appearance and color to those on the principal permitted dwelling.

B. Additional Standards For Attached Secondary Dwelling Units: The subject property must be a minimum of six thousand (6,000) square feet in size.

C. Additional Standards For Detached Secondary Dwelling Units:

1. If the principal dwelling is two (2) or more stories in height, the structure that accommodates the secondary dwelling may be two (2) stories; the first story shall be a garage or private storage area and the secondary dwelling may be on the second story.

2. An existing detached accessory structure may be converted to a secondary dwelling, provided that the structure meets all applicable requirements of the City of Island Park building code and any applicable code requirements by the state of Idaho.

__DWELLING, SINGLE-FAMILY DETACHED__:

Only one single-family detached dwelling shall be allowed per property.

__FARM, GARDEN, LUMBER, OR BUILDING SUPPLY STORE__:
A. Outdoor storage areas shall comply with the requirements of Chapter v of this ordinance.

B. No on-street parking or maneuvering is permitted.

C. Adequate room for all delivery trucks, including turning movements, parking, and maneuvering shall be on-site.

**FENCE; BARBED WIRE, ELECTRIC WIRE OR OTHER:**

A. No sight-obscuring fence, hedge, wall, latticework, or screen shall violate the "clear vision triangle", as defined herein, requirements at any highway right-of-way, street, road, or private road intersection.

B. Barbed wire and electric wire fencing shall only be allowed on properties that meet one or more of the following standards:

1. The property is a "farm", as herein defined;

2. The use of barbed wire and/or electric wire fencing was allowed as part of an approved use where the applicant proposed security fencing.

C. No fence, wall, latticework, or screen shall be erected over three feet (3') in height within the required front yard.

D. No fence, wall, latticework, or screen on the perimeter boundary or within any required setback area shall exceed a height of six feet (6'), unless approved by a variance or as part of an approved Class II use. Any fence over six feet (6') in height shall also require a building permit with construction drawings prepared by a qualified and licensed engineer or architect.

E. Where any sight-obscuring fence or wall is required by this title to protect adjacent properties, said fence or wall shall be kept free from advertising and graffiti and maintained in good repair.

F. Security fencing that is not associated with an agricultural use shall only be used as the top section of the fencing and shall be a minimum of six feet (6') above grade.

**FLAMMABLE SUBSTANCE STORAGE:** The following standards apply to flammable substance storage as a nonaccessory use. This section shall not apply to gasoline fueling stations or research and development facilities.
A. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residence.

B. The facility shall be enclosed by an eight foot (8') high security fence or wall. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours. Also see also fence; barbed wire, electric wire, or other of this Appendix.

C. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.

D. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.

**FOSTER HOME, GROUP:** An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation, and b) provides foster care for seven (7) to thirteen (13) children under the age of eighteen (18).

A. Off-street parking shall be provided as per Chapter V of this ordinance, in addition to the required off-street parking for the dwelling.

B. If the proposed group foster home results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the City of Island Park building code.

C. The applicant shall provide a minimum outdoor play area of one hundred (100) square feet per child. The Administrator may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.

D. All outdoor play areas shall be completely enclosed by minimum six foot (6') barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the City of Island Park building code.

E. The proposed use shall be properly located and designed to protect the health, safety, and welfare of the children and the surrounding properties.

F. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

**GASOLINE, DIESEL OR ALTERNATIVE FUEL SALES FACILITY:**
When allowed as an accessory use, gasoline, diesel or alternative fuel sales facilities shall not occupy more than twenty five percent (25%) of the subject property.

B. Installation of underground fuel tanks shall require written approval from Idaho division of environmental quality, Idaho department of water resources and the appropriate fire authority.

C. Structures and pump station canopies on corner properties shall observe a minimum setback of thirty five feet (35') from any public street. There shall be a minimum setback of twenty five feet (25') from any residential district.

D. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').

E. Vehicle stacking lanes shall be available on the property but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten feet (10') of any residential district.

F. All trash, waste materials, and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the gasoline, diesel or alternative fuel sales facility.

**GOLF COURSE AND COUNTRY CLUB:**

A. To be eligible for an accessory country club and/or sale of alcoholic beverages, the golf course shall be a bona fide golf course as defined by Idaho Code §23-903(2).

B. Accessory sales and rental of golf equipment shall be allowed.

C. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

D. All other accessory structures to the golf course shall not be located within one hundred feet (100') of an abutting property within a residential district. No outdoor recreation area associated with the country club shall be located within fifty feet (50') of any property line. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six foot (6') barrier that meets the requirements of the City of Island Park building code.

E. Any outdoor speaker system associated with the golf course or country club shall comply with the noise regulations of Chapter V of this ordinance.

F. For reasons of public health, safety and welfare, an accessory country club or clubhouse shall only be allowed as long as the subject property is within a fire district.

G. Outdoor storage areas shall comply with the requirements for Outdoor Storage of this Appendix.
HEAVY EQUIPMENT SALES OR SERVICE:

A. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

B. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with the requirements for Outdoor Storage of this Appendix.

C. No on-street parking or storing of vehicles, accessories, replacement parts, or discarded parts is permitted.

C. The master site plan shall designate an area for parking and/or processing of vehicles. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles. This shall include areas for washing of vehicles and disposing of wash water. The applicant shall obtain all necessary permits for the collection and disposal of wash water, oils and fluids in the vehicles.

D. Inoperable or dismantled equipment shall be stored behind a sight obscuring fence, wall or screen or within an enclosed structure, and shall not be visible from any street or private road.

E. Shall not include a junkyard or automobile wrecking yard.

HOME OCCUPATIONS AND RESIDENTIAL BUSINESSES

A. Purpose. The purpose of this Appendix is to provide opportunities for home occupations and residential businesses subordinate to, incidental to, and compatible with, surrounding residential uses; to promote economic self-sufficiency of City residents; to reduce commuting within the City; while protecting the general health, public welfare, and safety and enjoyment of property.

B. Scope. The provisions of this Appendix apply to the owners and operators of any home occupation and residential businesses in any City of Island Park residential zoning district.
C. **Permit Required.** Proposed home occupations and residential businesses require a Class I permit based on the specific restrictions of the City of Island Park Development Code and this Appendix.

D. **Permitted Uses.** Subject to the restrictions of this Appendix and City of Island Park Development Code, the following uses may qualify for a Class I permit:

1. Home Occupation; and
2. Residential Businesses

E. **Prohibited Uses.** The following uses are not subordinate to, incidental to, or compatible with residential activities, and are expressly prohibited as a home occupation or residential business:

1. Medical and dental offices, clinics, and laboratories;
2. Mini storage or self service storage facility;
3. Pest control;
4. Pool cleaning;
5. Storage of equipment, materials, and other accessories to the construction and service trades; except as provided for in this subsection of this Appendix;
6. Veterinary services;
7. Residential Care Facility or Group Home;
8. Transient Rentals;
9. Bed and Breakfasts;
10. Lodges; and
11. Any other use determined by the Administrator to be not subordinate to, incidental to, or compatible with residential activities; or any other use which violates any applicable law.
General Provisions

A. Performance Standards for All Development. All performance standards in Chapter V, Performance Standards for All Development, shall be met.

B. Performance Standards for Residential. All performance standards for residential development and building activity in Chapter VII, Performance Standards for Residential, shall be met.

C. Location. A home occupation or residential business shall not change the residential character of the neighborhood.

D. Solid Waste and Outdoor Storage. The storage of solid waste associated with a home occupation and residential business shall comply with Chapter V. There shall be no outside storage of materials or goods used or manufactured as a part of the home occupation. No hazardous material other than those commonly found within a residence shall be used or stored on the site. Such materials and equipment shall be limited to quantities that do not constitute a fire, health or safety hazard. Residential businesses shall be subject to the provisions for storage of equipment, supplies, materials, and goods used in conjunction with a residential business.

E. Heavy Commercial Vehicles. Heavy commercial vehicles are vehicles or mechanized construction equipment units; except snow removal equipment, and agricultural vehicles used in agricultural operations; that are used primarily for business purposes.

F. Signs. Signs must comply with the requirements of Appendix A.

G. No Encroachment. A home occupation or residential business shall not encroach into any required parking, setback, or open space areas.

Home Occupation

A. Home Occupations. Home occupation means an activity conducted solely by the occupants of a particular dwelling unit in a manner that is subordinate to and incidental to the use of the dwelling unit as a residence. In addition, the home occupation shall not
change the residential character of the dwelling unit.

B. **Permitting.** Home occupations require a Class I Permit as set forth in Chapter III, and shall meet all of the standards listed in subsection, and are subject to further conditions that may be imposed by the approving body.

C. **Conditions of Approval.** Approval of Class I permit required under this Appendix does not change any requirement of the City of Island Park Development Code applicable to the dwelling to which it is subordinate to and incidental to, including all requirements of the City building codes. The Administrator, or on appeal, the approving body, may impose conditions reasonably related to mitigate impacts of the proposed home occupation on surrounding properties. The conditions may include, but not be limited to, any or all of the following:

Other standards set forth in Chapter III for Class I permits and in Idaho Code §67-6512(d), necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.

D. **Business Activity.** All business activities are conducted by a person or persons residing on the premises. No nonresident employees shall be allowed. No employees may report to work at the site of the home occupation;

E. **Vehicle Trips.** The use shall not create additional pedestrian, automobile or truck trips (traffic) in excess of the normal amount typical for the area. Client or customer visits to the site shall be limited to not more than ten (10) per day, and seventy (70) per week;

### Residential Business

A. **Residential Business.** Residential business means an activity conducted by the occupants of a particular dwelling unit in a manner incidental to and subordinate to the use of the dwelling unit as a residence, but may have non-resident employees and/or frequent customer visits to the residence.

B. **Purpose.** The purpose of these provisions is to allow, in suitable locations, more intensive home occupation uses which:

1. allow residents greater economic self-sufficiency,

2. minimally impact neighboring properties, and
3. are clearly subordinate to primary residential uses, and do not diminish the neighborhood character.

**C. Permitting.** Residential businesses require a Class I permit as set forth in Chapter III and shall meet all of the standards listed in this subsection, and are subject to further conditions that may be imposed by the approving body.

**D. Conditions of Approval.** Approval of Class I permit does not change any requirement of the City of Island Park Development Code applicable to the dwelling to which it is subordinate to and incidental to, including all requirements of the City building codes. The Administrator, or on appeal, the approving body, may impose conditions reasonably related to mitigate impacts of the proposed residential business on surrounding properties. The conditions may include, but not be limited to, any or all of the following:

Other standards set forth in Chapter III for Class I permits and in Idaho Code §67-6512(d), necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property; and

**F. Business Activity.** The business shall be owned and operated by a person or persons residing on the premises, and there shall be no more than two (2) employees other than residents of the premises;

**G. Vehicle Trips.** The use shall not create additional pedestrian, automobile or truck trips (traffic) in excess of the normal amount typical for the area. Client or customer visits to the site shall be limited to not more than ten (10) per day, and seventy (70) per week;

**H. Accessory Structure.** All business is conducted within the primary residence on a parcel, except that an accessory structure may be used for professional office or similar type residential business. A detached structure used for a residential business shall not exceed fifteen hundred (1,500) square feet.

**I. Storage.** Areas used for the storage of equipment, supplies, materials, or goods used or manufactured as a part of the residential business shall be screened from view of adjacent property and public roads;
J. Off-street parking. There shall be adequate parking on site to accommodate employees and customers, in addition to the required residential parking spaces, as follows:

1. Land Use and Parking Spaces required: Residential Business: One (1) per bedroom; and

2. Parking spaces and access routes shall be accessible at all times of use. Off-street parking areas need not be paved.

HOTEL OR MOTEL:

A. There shall be an increase of twenty-five percent (25%) for the required screening points of a property line abutting a residential zoning district, and no driveway shall be located within the required side setback adjacent to a residential zoning district. (Ord. 19-162, 10/24/2019)

B. Accessory retail uses including, but not limited to, restaurants, retail shops, food or beverage service, and personal service shops, may be allowed if such facilities are completely within the hotel or motel structure. A bar or nightclub shall require separate or concurrent approval subject to the regulations of this title.

C. No outdoor recreation area associated with the hotel or motel shall be within one hundred feet (100') of a residential zoning district. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six foot (6') barrier that meets the requirements of the City of Island Park building code.

JUNKYARD OR AUTOMOBILE WRECKING YARD:

A. Location. Shall be located in a commercial zoning district.

B. Screening:

1. Outdoor storage areas shall comply with the requirements for Outdoor Storage of this Appendix. The fence or wall and screening materials shall be a minimum of ten feet (10') in height. Any wall or screening material over six feet (6') in height requires a building permit.

2. No portion of the junkyard or automobile wrecking yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway", "principal arterial", or "minor arterial" as herein defined.

3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018  Page 211
B. Site Related Standards:

1. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line.

2. The master site plan shall designate an area for processing vehicles as they are brought to the site. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles. The applicant shall obtain all necessary permits for the collection and disposal wash water, and oils and fluids in the vehicles.

3. The applicant shall obtain all necessary permits for the storage of materials on the site, including, but not limited to, oil, hazardous waste, and tires.

4. No person shall establish, operate, or maintain a junkyard or automobile wrecking yard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right of way and visible from any "highway", "principal arterial", or "minor arterial" as herein defined. See Idaho Code section 40-313.

5. The applicant shall submit written review comments from the Idaho division of environmental quality as part of the application materials.

KENNEL, COMMERCIAL:

A. The owner and/or operator shall have an obligation to comply with all state regulations relative to the operation of the commercial kennel.

B. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance and to reduce noise and odor.

C. If applicable, the facility shall meet the specific use standards for animal boarding with outside runs as set forth in this Appendix.

KENNEL, HOBBY:

A. A maximum of ten (10) dogs shall be allowed as a hobby kennel. For the purposes of this section, a litter of puppies together with the mother, shall count as one dog until the litter reaches six (6) months of age. Each puppy over six (6) months of age shall be counted as one dog.

B. Facilities in which dogs are housed and the designated location for feeding and watering shall be in the rear yard and a minimum of fifty feet (50') from any property line. In residential districts, all dogs shall be housed indoors during the night.
C. The dogs shall be physically restrained from running at large. In residential districts, visual screening shall be required to buffer adjacent land uses.

D. No commercial dog boarding shall be allowed.

E. The owner shall have a continuing obligation to maintain adequate housekeeping and sanitation practices designed to prevent the creation of a public nuisance and to reduce to a minimum the factors of noise and odor.

**LAUNDROMAT:**

If abutting a residential zoning district, the hours of operation shall be seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

**LODGE:** See Chapter VIII(A) of this Ordinance.

**MANUFACTURED HOME:** A "manufactured home", as herein defined, is a principal permitted use in a residential zoning district. A manufactured home shall meet the standards of a manufactured home as herein defined.

**MANUFACTURED HOME PARK:**

A. Definitions: For the purposes of this section, the following definitions shall apply:

- **COMMON PLAY AREA:** Shall refer to the play area required in subsection F3 of this section. The term common play area shall not refer to the outdoor living area required in subsection D4 of this section.

- **DRIVE:** A privately owned roadway that provides internal circulation for vehicles within the manufactured home park and/or access to manufactured home spaces within the manufactured home park.

- **MANUFACTURED HOME SPACE:** Shall refer to the area that is for lease or rent as a site to place a manufactured home, including the required outdoor living area. The manufactured home space shall be delineated on an approved master site plan for a manufactured home park.

- **SERVICE AREA:** Shall refer to areas necessary for the management of the manufactured home park. Such areas may include, but shall not be limited to: storage and collection areas for trash and garbage, loading and unloading areas other than passenger vehicles, and outdoor storage areas.
B. The following improvements shall be provided in all manufactured home parks before any unit is leased, rented or occupied:

   a. A central water system designed, constructed, and installed in compliance with all State and Federal standards, and capable of providing adequate fire fighting flows throughout the park;

   b. If located in the Fremont County Sewer District, the park shall connect to the sewer system. If not in the Fremont County Sewer District, a central sewage disposal system designed, constructed, and installed in compliance with all State and Federal standards. The use of individual or joint septic system(s) is prohibited.

   c. All utility connections for each unit shall be underground;

   d. Solid waste collection containers, in compliance with the performance standards of this ordinance;

   e. Adequate vehicle parking spaces and roads in compliance with the performance standards of this ordinance.

C. Density: The maximum density of a manufactured home park shall not exceed the maximum density of the residential zoning district, but is allowed any allowable density bonus.

D. Use Standards:

1. Accessory uses shall be in conformance with the accessory uses of the base district.

2. A single-family detached dwelling or a manufactured home may be allowed for the sole use of a caretaker.

3. A recreational center and clubhouse may be allowed for the use of park residents. (Any sale, manufacturing, or distribution of alcoholic beverages shall require approval for a bar, brew pub, or nightclub as set forth in this ordinance and the Idaho Code).

4. Manufactured home parks shall accommodate only manufactured homes - not vacation trailers or other recreational vehicles except when stored within a designated storage area. A manufactured home shall not remain overnight in a manufactured home park unless it is parked in a manufactured home space. Not more than one manufactured home shall be parked at one time in a manufactured home space.

5. Manufactured home parks approved subject to the regulations of this section may be expanded or altered after approval is obtained from the decision making body. The application, filed by the owner
or other party in interest, shall be filed and processed in the same manner as an application for a new manufactured home park.

E. Manufactured Home Space Design Standards:

1. No manufactured home space shall contain less than two thousand (2,000) square feet. The gross average areas of all spaces in the park shall not be less than three thousand (3,000) square feet. No drives, common play area, or service area shall be considered as providing any part of the required manufactured home space.

2. No manufactured home space shall be less than thirty feet (30’) in width and/or depth.

3. The boundaries of each manufactured home space shall have an approved fence, wall, planting, or other permanent marker defining the perimeter of the space.

4. An outdoor living area shall be provided in each manufactured home space. Such outdoor living area shall be a minimum of ten percent (10%) of the individual space, but in no case shall such area be less than three hundred (300) square feet nor required to be more than five hundred (500) square feet. The minimum dimension of such area shall not be less than fifteen feet (15’).

F. Drives: Drives shall comply with the following standards and are subject to plan review, field inspection, and approval by the administrator.

1. The following construction standards apply to all drives in manufactured home parks:

a. A minimum of one drive shall originate at a public street and terminate at a public street. This standard is in addition to the requirements of Appendix E, requiring a minimum of two (2) access points to the manufactured home park if more than six (6) spaces are provided.

b. Drives shall provide adequate and proper drainage so as not to allow any drainage water to be discharged onto individual spaces.

c. Drives shall be a minimum of thirty feet (30’) wide. The entire width of the drive shall be improved.

d. Drive slope to or from centerline (perpendicular to the drive centerline) shall be a minimum of two percent (2%), and runoff shall be disposed of in a manner that protects life and property.

f. Bridge and culvert crossings shall be designed for a minimum H-16 loading.

f. The maximum allowable grade shall be ten percent (10%) slope.
g. The minimum center line curve radius shall be fifty feet (50').

h. The minimum curb radius at intersections shall be twenty feet (20').

2. The Administrator may recommend approval of, and the Commission may approve, alternative drive designs when the overall design, as proposed by the applicant, that meets or exceeds the intent and the requirements of this section and shall not be detrimental to public health, safety, and welfare.

F. Park Design Standards:

1. Two (2) off-street parking spaces shall be provided for each manufactured home space. All off-street parking shall be improved to the same standards as drives as noted in subsection E of this section. Parking areas for accessory uses shall have a surface and be maintained in a like manner. For the purposes of this section, off-street parking spaces shall mean off-drive parking spaces.

2. Outdoor lighting shall be provided to illuminate drives and sidewalks. Lighting shall be subject to the regulations in Chapter 5 of this ordinance.

3. Manufactured home parks that accommodate children less than fourteen (14) years of age shall provide a common play area restricted to that use. Parks that qualify as housing for older persons subject to the federal fair housing act are exempt from this regulation.

   a. A minimum of one hundred (100) square feet of common play area shall be provided per manufactured home space; provided, however, that no such common play area, regardless of the number of manufactured home spaces, shall be less than two thousand five hundred (2,500) square feet.

   b. The common play area shall be protected from all streets, drives, driveways, and parking areas by a minimum thirty six inch (36") barrier. The fencing material shall meet the swimming pool barrier requirements of the City of Island Park building code.

4. All manufactured home parks shall comply with the Americans with disabilities act accessibility guidelines.

5. Manufactured home parks shall provide a side and rear yard of a minimum of twenty feet (20').

   a. Where the neighboring property is in a residential base district, such yard shall be used for open space but shall not contain carports, storage structures, or any other structures.

   b. Where the abutting property is in a commercial zoning district such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.
G. Screening: The following standards shall be in addition to the landscaping and screening requirements in Chapter v of this ordinance.

1. Along the perimeter of the manufactured home park, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.

2. Fences, walls, and/or vegetative screening along the perimeter of the manufactured home park shall be provided to protect park residents from undesirable views, lighting, noise, or other off-site influences, or to protect occupants of neighboring residential districts from potential adverse influences within the manufactured home park including, but not limited to, undesirable views, lighting, and/or noise.

3. Off-street parking areas with five (5) or more parking spaces and service areas shall be screened on the sides and rear.

H. Manufactured Home Placement Standards:

1. Carports, cabanas, awnings, and all other structures, whether herein defined or not, that are attached to the manufactured home shall be considered as a portion of the manufactured home. Such additions and structures shall conform to the requirements of the City of Island Park building code.

2. Trailer hitches shall not project beyond the manufactured home space boundary.

3. The minimum distance between a manufactured home (exclusive of trailer hitches) shall be:
   a. Any other manufactured home shall be ten feet (10').
   b. Any structure shall be ten feet (10').
   c. Any property line (excluding manufactured home space boundaries), shall be equal to or greater than the required setback for the base zoning district.
   d. Any public street shall be equal to the required setback for the base zoning district.
   e. Any common drive or walkway shall be five feet (5').

4. Lot coverage. No more than sixty percent (60%) of a manufactured home space may be occupied by a manufactured home and any other accessory structures.
MORTUARY:

A mortuary may be allowed as an accessory use to a cemetery.

MULTI-FAMILY DEVELOPMENT:

A Shall only be allowed in a commercial zoning district.

B. The minimum roadway frontage shall be fifty feet (50').

C. The minimum dedicated open space requirement shall be thirty percent (30%).

D. Multi-family site development shall comply with the following design standards:

1. Location Of Structures On The Site:

   A. Within a commercial zoning district, the proposed placement of structures, location of parking areas and pedestrian walkways, method of screening, and public entrances shall facilitate pedestrian access to abutting residential properties.

   B. Multi-family structures shall have varied setbacks within the same structure and staggered and/or reversed unit plans to provide a more varied outward appearance of the structures.

   C. Structures within a multi-family development shall be rotated, staggered, and/or reversed to vary the outward appearance of the structures.

2. Nonvehicular Access And Internal Circulation:

   A. Within a commercial base district, structures shall have at least one pedestrian access on each side of each structure that faces a public or private street.

   A. For proposed uses that require ten (10) or more parking spaces, site development shall provide safe and well defined pedestrian walkways from structures to each parking space, from structures to the abutting streets, and among structures on the same site.

   B. Where a walkway is within ten feet (10') of a street, it shall be separated from the street shoulder by curbs, intervening vegetation, and/or swales.

   C. Where a walkway is within a parking area and abuts driving aisles or parking spaces, the walkway shall be separated by curbs, intervening vegetation, and/or wheel restraints. Where a walkway crosses a driving aisle, the crossing shall have a different paving texture and/or material or shall be striped to indicate a pedestrian crossing.

   D. The site development shall provide a safe nonvehicular circulation system including, but not limited to:
1. Pedestrian and bicycle walkways that link abutting parks, schools, neighborhoods, and commercial areas to the greatest possible extent; and
2. Trails and bicycle routes shall link to abutting trail networks.

E. Automobile Access And Internal Circulation:
1. The site development shall provide for safe access to and egress from roadways.
2. Off street parking and loading areas shall be designed to preclude vehicles from backing out into a roadway.
3. Where delivery vehicles are anticipated, the site development shall delineate a clear route for them, with appropriate geometric design to allow the vehicles to turn safely.
4. The site development shall provide adequate internal circulation consistent with the requirements for "Off Street Parking And Loading Facilities", of this ordinance.
5. The site development shall provide an adequate design and number of parking spaces consistent with the requirements for "Off Street Parking And Loading Facilities", of this ordinance.

F. A snow storage plan shall be provided as part of the application material.
1. No snow storage shall occupy any required off street parking spaces, aisles, or maneuvering areas.

G. The applicant may request an indoor amusement or recreation facility as an accessory use to the multi-family development.

NURSERY, WHOLESALE OR RETAIL:

A. Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty feet (50') of a property line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.

B. Outdoor storage areas for materials shall comply with the requirements for Outdoor Storage of this ordinance. The following nursery materials shall be exempt from this requirement:
1. Growing plants in ground or in containers; and
2. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six feet (6') in height.
C. Any outdoor speaker system associated with the nursery shall comply with the noise regulations of Chapter V of this ordinance.

D. All proposed lighting shall comply with the provisions of Chapter V of this ordinance.

E. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.

F. The property shall have frontage to an arterial street or state highway.

G. Additional standards for wholesale and/or retail nursery within a residential district or adjoining a residential district:
   
   1. Any storage area for material in the process of being converted into compost shall be located a minimum of one hundred feet (100') from any property line.

   3. No aerial spraying of the property shall be allowed.

**NURSING FACILITY, SKILLED:**

A. The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare facility standards division.

B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents only.

**OFFICE BUILDING:**

No additional standards are required for this specific use.

**OFFICE, RELATING TO AN APPROVED USE:**

An accessory office shall be allowed for an approved use. The office shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use. If the approved primary use is not located in a structure, the office structure shall not occupy more than five percent (5%) of the property area on which the primary use is located or five thousand (5,000) square feet, whichever is less.

**OFFICE, TEMPORARY CONSTRUCTION:**
Any offices or accessory structures shall be removed from the property within thirty (30) days of completion of the construction project.

**OUTDOOR STORAGE:**

A. Screening: Outdoor storage areas shall be screened according to the regulations of for Outdoor Screening of this ordinance. The outdoor storage of chemicals and/or fertilizers including, but not limited to, salts or other minerals, shall be prohibited.

B. Prohibited Locations: Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

C. Use Of Site: The site shall not be used as a "pit, mine, or quarry" or "contractor's yard" as herein defined unless such use has been approved.

D. Prohibited Uses: The site shall not be used as a "junkyard", "automobile wrecking yard", or vehicle impound yard as herein defined unless such use has been approved.

E. Additional Standards For Outdoor Storage As An Accessory Use: Accessory outdoor storage shall be allowed for approved uses subject to the following standards:

1. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.

2. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.

3. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.

4. Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park, shall be only for recreational vehicles or personal recreation items of the tenants.

**PIT, MINE, OR QUARRY:**

Any pit, mine, or quarry, temporary or a Class II permit, shall be designed, used, and reclaimed to conserve natural resources, aid in the protection of wildlife, domestic animals, aquatic resources, and reduce soil erosion. A pit, mine, or quarry shall be reviewed as a Class II Permit.
A. General Use Standards:

1. All operations shall be subject to accepted safety conditions for the type of excavation being performed.

2. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry in a commercial zoning district. See the asphalt mixing and concrete batching standards in this Appendix.

3. Extraction, movement, or stockpiling within the required yards shall be prohibited. The tops and toes of cut and fill slopes shall remain outside the required yards.

4. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet the Outdoor Storage standards of the Appendix. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters and wetlands. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.

5. The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface, and shall be graded to drain all surface water from the haul roads.

6. For any pit, mine, or quarry requiring Class II approval, the administrator shall notify all property owners within one thousand feet (1,000') of any property boundary of the proposed site and any additional area that may be substantially impacted by the use, as determined by the Administrator.

7. The storage and/or disposal of solid waste on the site shall be prohibited.

8. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be properly recycled or disposed.

B. General Design And Reclamation Standards:

1. The applicant shall provide documentation (from the appropriate agency) that the proposed pit, mine, or quarry operation and reclamation plan comply with federal and state regulations in regard to air and water quality and site reclamation.

2. For a pit, mine, or quarry where the excavation area results in a pond, the following standards shall apply:
a. The extraction areas shall be designed to create a meandering edge.

b. The applicant shall provide written documentation from Idaho fish and game that the proposed pond is designed to create viable fish and/or wildlife habitat.

c. The applicant shall provide documentation from Eastern Idaho Public Health District that any proposed pond shall not cause septic leach fields on abutting properties to fail.

d. For the purposes of this section, a "pond" shall be defined as any pit, mine, or quarry area where the rehabilitation plan results in an area that contains water to within six feet (6') of the surface year round.

3. Any riparian vegetation disturbed as part of the operation shall be replaced at a ratio of two to one (2:1). Replacement vegetation shall be native plant materials and shall meet the requirements for Landscaping and Screening in Chapter v of this Ordinance.

4. The applicant or owner shall comply with all requirements of "Best Management Practices For Mining In Idaho", published by the Idaho department of lands.

C. Standards For Temporary Use Approval:

1. The property has not received previous approval for a pit, mine, or quarry as a temporary use.

2. The maximum area of the extraction site shall be six (6) acres.

3. The proposed extraction activities shall be completed within five (5) years.

4. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.

5. Stockpiles shall be a maximum of fifteen feet (15') in height.

6. All extraction and hauling activities shall take place between seven o'clock (7:00) A.M. and dusk or six o'clock (6:00) P.M. (whichever is earlier) Monday through Friday. The provisions of Chapter V, Division 4, Section 2 shall not apply to any pit, mine or quarry activities.

7. Haul roads shall not pass through existing residential neighborhoods. For the purpose of this subsection C, the term "residential neighborhood" shall be any residential subdivision development at a density of one or more dwelling units per acre.

8. Additional standards for a pit, mine, or quarry located in any residential zoning district:

a. The maximum extraction area shall be limited to the equivalent of the maximum allowed coverage (see Chapters VI and VII for lot coverage allowances).

b. Stockpiles shall be a maximum of six feet (6') in height.
c. No rock crushing shall be done on site.

d. The proposed extraction activities shall be completed within one year.

D. Standards For Class II Permit Approval:

1. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.

2. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required yards.

3. Rock crushing may be allowed as an accessory use. In order for rock crushing to be permitted as an accessory use, the initial application for a Class II permit shall indicate that such activity is requested. If after the approval of a Class II, rock crushing is requested, a new Class II Permit shall be required.

4. The applicant shall show the extraction and reclamation phasing plan on the master site plan.

5. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources (see Idaho Code §47-1511) or when the allowed time has ended (whichever occurs first).

6. The Class II approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than five (5) years, the commission shall review the status of the pit, mine, or quarry after 2.5 years and consider amendments or additions to the approval.

PLACE OF RELIGIOUS WORSHIP: See Church

PORTABLE CLASSROOM:

Portable classrooms that are not indicated on an approved Class II permit shall require a new Class II permit. If the proposed use cannot meet all of the following specific use standards, the use shall require conditional use approval:

A. A school site shall be allowed a maximum of three (3) portable classrooms as an accessory use.

B. The portable classroom shall not be located in the front yard of the principal school structure.
C. The portable classroom shall not be located in any required yard.

D. The placement of the portable classroom shall not reduce the number of required off street parking spaces.

**PROPERTY REDUCED BY GOVERNMENTAL ACTION:**

If a governmental action (such as acquisition through prescription, purchase, or other means by the City of Island Park, Fremont County, Idaho transportation department, utility company or corporation under the jurisdiction of the Idaho public utilities commission, or other local, state, or federal agency) reduces an existing property below the required property size, the remaining property shall be deemed as a conforming property for the purposes of development.

**PUBLIC OR QUASI-PUBLIC USE:**

A. Minimum Setbacks; Compatibility: All structures shall meet the minimum required setbacks for the applicable base district, except within a residential district where there shall be a minimum setback of thirty five feet (35') from any public street and twenty five feet (25') from any other property line. Structures shall be designed and constructed to be compatible with the surrounding properties including, but not limited to, building materials and building mass.

B. Public Recreation Facilities: The standards as set forth for amusement and recreation facilities shall apply for all public recreation facilities.

C. Storm Drainage And Storm Detention Facilities: A storm drainage facility and/or storm detention facility that are an accessory use to a roadway on the same property shall be exempt. For the purposes of this standard, the contiguous parcel regulations of this ordinance shall not apply.

D. Underground Utilities: Underground utilities within an easement or within a public street right of way shall not require additional approval.

**RECREATIONAL VEHICLE, SEASONAL USE:** A recreational vehicle may be use on a seasonal basis provided:

A. A Class I permit shall be obtained on a yearly basis;

B. If located in the Fremont County Sewer boundary, connection to the Fremont County Sewer is required. If located outside of the Fremont County Sewer boundary, a septic system approved by the Eastern Idaho Public Health District is required;
C. The recreational vehicle shall be removed from the property at the end of the season (shall not be stored on a property on a year-round basis) unless it is screened as is set forth in the Outdoor Storage requirements of this Appendix.

**RECREATIONAL VEHICLE PARK:**

A. Use Of Spaces: Spaces may be used by recreation vehicles, tents, or other shelter arrangements or devices.

B. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational facilities, caretaker dwelling, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:

1. Such uses shall be restricted in their use to occupants of the park. No off-premises commercial activity is permitted.

2. The structures housing such uses shall be accessible only from a drive within the park. (Ord. 19-162, 10/24/2019)

C. Design Standards:

1. The park shall have direct access to an arterial street or state highway. No entrance or exit shall be permitted which moves traffic from the park through a residential district.

2. Internal drives shall meet the drive standards required for a manufactured home park.

3. The applicant shall indicate the specific location of each proposed space on the master site plan.

   a. All recreational vehicle spaces shall have an all weather surface and be drained to prevent standing water.

   b. Spaces shall be a minimum size of one thousand five hundred (1,500) square feet.

   c. Recreational vehicles shall not be located closer than ten feet (10') to any other recreational vehicle, structure, manufactured home, public or private street, or property line.

   d. Recreational vehicle spaces shall not be located in any required off street parking space or required yard.
4. Any outdoor speaker system associated with the recreational vehicle park shall comply with the noise regulations of Chapter V of this ordinance.

5. A dump station for discharging wastewater holding tanks shall be provided unless each space is equipped with a sewer connection. Such discharge facilities shall be approved by the Eastern Idaho Public Health District.

**RECYCLING CENTER:**

A. Outdoor storage areas shall comply with the requirements of this Appendix. No storage, excluding truck trailers, shall be visible above the required screening material.

B. Except for after hours donation containers, no unsorted material shall be stored outdoors.

C. Any container provided for after hours donation of recyclable materials shall be a minimum of fifty feet (50') from a residential district, shall be of sturdy, rustproof construction; shall be of bear-proof design and construction; and shall have sufficient capacity to accommodate materials collected.

D. Power driven processing (including, but not limited to, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.

E. All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

**RESEARCH AND DEVELOPMENT FACILITY:**

No additional standards are required for this specific use

**RESIDENTIAL CARE FACILITY:**

A. The owner of the facility shall secure and maintain a license from the Idaho department of health and welfare, facility standards division.

B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents and/or staff only.

**RESTAURANT OR EATING PLACE:**

2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
RETAIL STORE:

No additional standards are required for this specific use.

PRODUCE STAND:

A. Standards for agricultural and roadside produce stands:

1. One stand per property under one ownership is allowed, subject to approval as set forth in this chapter.

2. The applicant shall submit a site plan drawn to scale showing all existing and proposed structures, parking and signage.

3. The applicant shall submit a detailed letter addressing the type of produce that shall be sold from the stand.

4. Display and sale of produce shall be allowed from May 1 to October 31 each year.

5. Access to a stand shall be from an arterial roadway or state highway.

6. A stand shall not be allowed on private roads.

7. The stand shall have an off street parking and loading area shall comply with the "Off Street Parking And Loading Facilities", of this ordinance.

8. Hours of operation shall be limited between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.

9. One on premises business sign for the stand may be placed, which shall not exceed thirty two (32) square feet, and must be removed when the operation closes for the season. There shall be no flashing or intermittent lighting.

10. A building permit may be required for the change in use or occupancy of any portion of structures used for the stand.
11. A stand that is a membrane covered structure under the IBC shall require a building permit if it is erected for one hundred eighty (180) days or longer.

**SANITARY LANDFILL, RESTRICTED:**

A. All structures shall be located a minimum of three hundred feet (300’) from any property line. Active landfill disposal sites shall be located a minimum of one thousand feet (1,000’) from any residential zoning district.

B. The use shall comply with all applicable overlay districts as set forth in Chapter IV of this ordinance.

C. The decision making body may specify definite time limits for daily operation and for termination of such use.

D. The applicant shall comply with all applicable regulations pertaining to designation, licensing and maintenance of restricted sanitary landfills and disposal sites as set forth in Idaho Code title 31, chapter 44; and title 39, chapters 65, 70, and 74.

E. All structures shall comply with the height limit per the applicable base district.

F. All off street parking shall be provided as per in Chapter V of this ordinance.

G. All outdoor lighting shall comply with the requirements of Chapter V of this ordinance.

**SCHOOL, PUBLIC OR PRIVATE:**

A. Locations for public school sites shall be determined in conformance with the applicable comprehensive plan. The following location criteria shall apply unless in conflict with the applicable comprehensive plan:

1. Elementary schools shall take access off a local street.

2. Middle schools, junior high schools, and senior high schools shall take access off a arterial street.

3. No elementary, middle, or junior high schools shall abut a commercial or industrial district.

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2016 Development Code
City Council public hearing on July 28, 2016.
City Council Approved by Ordinance Nos. 16-136, 16-137 and 16-138.
Amended by Ordinance No. 17-142, July 27, 2017, eff. August 9, 2017
Amended by Ordinance No. 18-146, February 22, 2018, eff. March 2, 2018
B. All structures shall meet a minimum setback of forty feet (40') from any public street and thirty feet (30') from any other property line.

C. Accessory uses including, but not limited to, daycare centers, community services, social services, meeting facilities for clubs and organizations, and administrative offices for the individual school facility may be allowed.

SEXUALLY ORIENTED BUSINESSES OR USES:

A. Purpose. The purpose of these regulations is to allow the reasonable location of sexually oriented businesses and bikini bars within the city in a manner that will protect property values, neighborhoods, and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses such opportunity in appropriate areas within the city. It is not the intent of this Code to suppress any speech activities protected by the First Amendment of the United States Constitution, but to impose content-neutral regulations that address the adverse secondary effects a sexually oriented business may have on adjoining properties and the immediate neighborhood.

It has been determined, and reflected in the land use studies of various US cities, that businesses that have as their primary purpose the selling, renting, or showing of sexually explicit materials have negative secondary impacts upon surrounding businesses and residences. The experience in other US cities is that the location of a sexually oriented business significantly increases the incidence of crimes, especially sex offenses, including rape, indecent exposure, lewd and lascivious behavior, and child molestation.

It has been determined, and reflected in the land use studies of various US cities, that the operation of sexually oriented businesses in business districts that are immediately adjacent to and that serve residential neighborhoods has a deleterious effect on both the business and the residential segments of the neighborhood, causing blight and down-grading property values.

B. Intent. It is the intent of these regulations to allow sexually oriented businesses to exist within the City in various dispersed locations rather than to allow them to concentrate in any one business area. It is further the purpose of these regulations to require separation requirements between sexually oriented businesses and residential uses, churches, parks, and educational institutions in an effort to buffer these uses from the secondary impacts created by sexually oriented business activity.

C. Additional Requirements. In addition to the generally applicable Class II Permit criteria, a sexually oriented business shall be subject to the following standards:
(a) It shall not be located within one-thousand (1,000) feet of a public or parochial school or daycare as defined and licensed by the City; a public park or playground; a bar or tavern or other premises serving alcohol; religious institution; or a sexually oriented business;

(b) It shall not be located on a lot or parcel that is within five hundred (500) feet of a residential use or zone;

(c) Distance shall be measured in a straight line from property line closest to the property line of the nearest school, day care, public park, playground, religious institution or other sexually oriented business. These standards shall apply regardless of the political jurisdiction in which schools, day care, public parks, playground, bar or tavern serving alcohol, or religious institution, or other adult businesses are located;

(d) The sign package and exterior building design must be submitted with the Class II Permit application for review by the Planning and Zoning Commission. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from the exterior of the building; No advertising signs, billboards, displays, advertisements, or other promotional materials depicting specified anatomical areas or specified sexual activities or displaying instruments, devices, or paraphernalia designed for use in connection with specified anatomical areas or specified sexual activities shall be shown or exhibited so as to be visible to the public from the exterior of the building;

(e) Lobby and entrance areas should be designed so as to minimize obstruction of sidewalks, walkways, and pedestrian pathways during operating hours and shall be oriented and consistent with other commercial activities in the area;

(f) All building openings, entries, windows, and the like, shall be located, covered, or screened in such a manner as to prevent a view into the interior, so that personnel, instruments, devices, paraphernalia, and body parts thereof, that are associated in any manner with specified anatomical areas or specified sexual activities, cannot be viewed from streets, sidewalks, and adjacent private properties;

(g) No loudspeakers or sound equipment shall be used for such businesses that can be discerned by the public outside the building;

(h) The disposal of garbage and trash containing sexually explicit materials must be disposed of in a manner that prevents minors from having access to the material; and

(i) For purposes of this Appendix, the above conditions and standards shall be applicable in the following circumstances:

1. The opening or commencement of any sexually oriented business as a new business.
2. The conversion of an existing business or any part of any existing business to any of the sexually oriented businesses regulated herein.

3. The addition or expansion of any business to include any of the sexually oriented businesses regulated herein.

4. The voluntary relocation of any such business.

(j) Hours of operation are from 4:00 p.m. to 2:00 a.m. Mountain Standard Time. One security staff person is required for each 20 required parking spaces or fraction thereof. The hours of operation shall be visibly posted on all entrances and exits.

(k) On-site security must be present during all hours of operation.

(l) These provisions shall not be construed as permitting any use or act that is otherwise prohibited or made punishable by law.

(m) No sexually oriented materials or performances shall be disseminated, performed for, by, or upon minors. Signs prohibiting minors upon premises shall be visibly posted on all entrances and exits.

(n) All areas of a sexually oriented business shall be illuminated at a minimum of 20 foot-candles, normally maintained and evenly distributed at ground level. Except, adult motels shall only be required to be illuminated at a minimum of 20 foot-candles in public areas, and, adult theaters and cabarets shall only be required to be illuminated at a minimum of five foot-candles. During performances, adult theaters and cabarets may reduce the lighting to be a minimum of 1¼ foot-candles.

(o) An adult motion picture show or adult arcade shall limit the maximum number of image producing devices to the maximum occupancy load permitted in any room or partitioned portion of a room in which an image producing device is located.

**Bikini Bar**

(1) **Standards.** A bikini bar use shall comply with the following standards:

(a) It is located at least three hundred (300) feet from any residential use or zone.

(b) It is at least one-thousand (1,000) feet from any public or parochial school or day care licensed by the City, and from any public park or playground; any religious institution; or any other bikini bar.
SCHOOL, VOCATIONAL OR TRADE:

A. Schools shall have major curriculum relating to technological industrial research and processes.

STORAGE FACILITY, SELF-SERVICE AND STORAGE FACILITY, SELF-SERVICE-OUTDOOR ONLY:

A. Storage Facility, Self-Service: Specific standards for storage facilities, self-service, shall be as follows:

1. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.

2. The maximum size of individual storage areas shall be five hundred (500) square feet.

3. The distance between structures shall be designed to allow a twelve foot (12') travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked (9 foot width) at the entrance to their storage areas.

4. The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.

5. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.

6. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

7. Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

B. Storage Facility, Self-Service - Outdoor Only: Specific standards for storage facilities, self-service - outdoor only, shall be as follows:

1. Parcel Size; Site Coverage: A minimum parcel size of five (5) acres shall be required for any proposed outdoor only storage facility. Any eligible property shall be limited to an overall
maximum site coverage of twenty percent (20%), and no facility shall be greater than fifteen (15) acres in size.

2. Frontage: The property shall have frontage to an arterial street.

3. Distance Between Stored Vehicles: The distance between stored vehicles, including RVs and trailers, shall be a minimum of ten feet (10') side to side, while maintaining a minimum of twenty feet (20') access aisle on at least one end or as approved by the local fire authority. The distance between parking rows shall be a minimum of twenty feet (20') of travel lane for emergency vehicle access or as approved by the local fire authority. Each space shall have access from an access aisle that is a minimum of twenty feet (20').

4. Screening: The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from the public right of way, and comply with Appendix D of this ordinance. For the purpose of perimeter landscaping and screening, property lines, as described in Chapter V, shall refer to the specific facility boundaries.

5. Location: No boundary of the facility shall be located within one hundred feet (100') of a residential property line, with the exception of a boundary adjacent to a public roadway.

6. Dwellings; Places Of Business: Stored vehicles, including RVs and trailers, shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at an outdoor only self-service storage facility is specifically prohibited.

7. Storage Of Hazardous Materials: Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

8. Design Standards: Minimum design standards for the facility shall include the following:

   a. The storage facility shall be screened year round and comply with the screening requirements of this Appendix. This section provides for the minimum required screening. The commission may require additional or modified screening and/or buffering in order to prevent or enhance the blocking of views of existing adjacent residences and to maintain the rural character of the area.

   b. Access locations into the facility shall be approved by the applicable transportation jurisdiction.

   c. All parking, storage and drive aisles within the facility shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all weather dustless material.

   d. All storage stalls shall be clearly defined on the site plan. The facility shall designate and maintain storage stall locations on site at all times.
e. Outdoor storage areas shall further comply with the requirements for outdoor storage, as set forth in section of this appendix.

9. Use As A Junkyard Prohibited: The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.

10. Storage: The storage of any items and materials other than vehicles, RVs, trailers, boats, and snowmachines, is prohibited unless otherwise approved in the Class II permit; provided, that items and materials contained within a vehicle, RV or trailer are permitted.

11. Maintenance, Repair, Or Rebuilding: Maintenance, repair, or rebuilding of vehicles or machinery on the property is prohibited.

12. Noise: Use of the property shall comply with the requirements for "Noise", of this ordinance.

13. Hours Of Operation: Unless otherwise approved or restricted through the Class II permit, hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Facilities abutting residential zoning district or a residential subdivision shall be limited to the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.

14. Prohibited Locations: Vehicles, RVs, trailers, boats, and/or snowmachines shall not be stored within the required yards.

15. Use Of Site: The site shall not be used as a "contractor's yard" as herein defined unless such use has been approved.

16. Zoning Inspection: For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Administrator. If a permit holder refuses to allow inspection of the premises by the Administrator, the approved Class II may be revoked.

17 On Site Office Prohibited: An on site office within the confines of the storage facility is prohibited. If the facility owner has a dwelling located on the remaining property, and if that dwelling will be used by the owner to administer the facility, or if the owner intends to administer the facility from an off site dwelling, then the owner shall obtain a home occupation permit and comply with the requirements of Appendix F.

18. Additional Standards:

a. The following shall be considered as part of the review of an application:

(1) The proximity of existing dwellings;

(2) The number of vehicles anticipated to be stored upon the property;
(3) The hours of operation;

(4) Dust;

(5) Noise;

(6) Traffic and circulation;

(7) Landscaping and screening;

(8) Other.

b. The duration of a conditional use permit for an outdoor only storage facility shall be limited.

**TEMPORARY USE:**

A. Permission to live in an existing dwelling, RV, or a manufactured home shall be granted until the completion of the construction of the new principal permitted dwelling. The existing dwelling or the manufactured home shall be removed prior to issuance of the certificate of occupancy for the dwelling, unless the existing dwelling is approved for use as a secondary dwelling.

B. Subdivision model home/real estate sales offices shall meet the following additional standards:

1. The sales office shall be located on a lot within a subdivision or on a space within a manufactured home park.

2. The principal use of the sales office shall be the sale of lots and/or dwellings or renting of spaces within the development.

3. The sales office shall meet the construction standards for a commercial occupancy as required by the City of Island Park building code. The applicant or owner shall obtain all necessary building permits as required by the City of Island Park building code.

4. The applicant or owner shall obtain a building permit to convert the sales office to a dwelling or shall remove the sales office within thirty (30) days of the sale or rental of the final lot or space.

5. Subdivision model home/real estate sales offices require a Class I permit
TOWERS OR ANTENNA

A. Purpose. To establish standards and definitions to allow for the permitting and placement of towers, structures, and associated equipment constructed for the following purposes, including but not limited to: commercial radio, television, telephone, wireless transmission facilities, wireless broadband, paging, or satellite reception and/or transmission (hereinafter referred to as “facility”). In addition, the purpose of this appendix is to provide reasonable assurance that future facilities, including towers and associated equipment, will provide service to the City of Island Park and the Island Park area and not adversely affect neighboring uses. Such towers and associated equipment are approved contingent upon a number of requirements being met. These criteria are in place to promote the public health, safety, public welfare (conformance with the City of Island Park Comprehensive Plan); minimize visual impacts through buffering, siting, design and construction; and reduce the need for new facilities.

B. Use Regulations.

1. Facilities shall be allowed in all zoning districts as a Class I or Class II Permit, as is provided for in Chapter III of the City of Island Park Development Code.

2. No tower or facility shall exceed forty (40) feet in height, except as provided for herein.

3. The use of stealth or total concealment technology is required as set forth in this appendix.

4. It is the policy of the City of Island Park to encourage use of existing towers, electric transmission towers, structures, and the co-location of facilities.

5. Applicants shall first consider properties owned by the City of Island Park; Fremont County; special district; State of Idaho, or any instrumentality thereof; and Federal properties before considering private properties as locations for towers or structures. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. If suitable public properties cannot be located, written justification shall be provided which clearly explains why the properties are not suitable and what alternatives were considered.

C. Permit Required. 1. Permit Required. It shall be unlawful for any person to place, construct or modify any facility within the jurisdiction of the City of Island Park without first obtaining a Class I or Class II Permit as herein provided for. Compliance with the provisions of this appendix, the City of Island Park Development Code, and the City of Island Park Comprehensive Plan is required.
2. Permits Processing. Class I and Class II Permits shall be processed pursuant to the provisions of Chapter III, of the City of Island Park Development Code.

3. Class I Permit Required. Facilities twenty (20) feet or less in height; facilities with an increase of twenty (20) feet or less; or placed on existing structures with no increase in height of structures or towers, shall be allowed in commercial zoning districts as a Class I Permit.

4. Class II Permit Required. Applications for a new towers and/or facilities over twenty (20) feet in height, or towers and/or facilities with an increase over twenty (20) feet shall require a Class II Permit.

5. Applicant’s Certifications. An application for a Class I or Class II Permit for a tower or structure shall not be accepted and processed unless or until the Applicant certifies, as part of the application material, that:

a. the proposed tower or structure complies with and at all times will be maintained and operated in accordance with, all applicable FCC rules and regulations (if applicable) with respect to environmental effects of electromagnetic emissions; and

b. all improvements constructed as part of the tower or structure shall comply most current City adopted versions of the International Building Code, International Mechanical Code, and structural standards of the Electronic Industries Association/Telecommunications Industry Association (TIA/EIA 222 revision F), where applicable.

6. FCC License Required. All applicant's for a facility must currently be licensed by the FCC (if applicable) or, if the Applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one or more FCC licensees to utilize the proposed facility. An application for a Permit shall not be deemed complete unless it is accompanied by a copy of each Applicant's or tenant's FCC license (if applicable) and, if the Applicant is not an FCC licensee, the Administrator shall verify that the Applicant holds executed leases from each FCC licensee proposing to locate wireless facilities at the site. If a copy of an FCC license has previously been supplied to the Administrator in conjunction with an application for a facility, the Applicant may certify that such license remains valid in lieu of submitting an additional copy of such license.

7. Prohibited Locations.

a. Facilities in any mapped visually sensitive area, as depicted on the Natural Resource Maps and as defined in Chapter X, Definitions, are prohibited. No tower or
antenna shall be located where the center of the tower is within one (1) mile from a mapped visually sensitive area, as depicted on the Natural Resource Maps of the City of Island Park and as defined in Chapter X, Definitions;

b. Within one (1) mile of the high water mark of the Henry’s Fork of the Snake River;

c. Within one (1) mile of the high water mark of Henry's Lake;

8. New Towers Including Additions and Increases. Applications for a Permit for facilities requiring a new or additional tower, increases in tower height of more than twenty (20) feet, or increases in height of alternative structures, shall require a Class II Permit and shall comply with the provisions of this Appendix. Applications for towers or increases in tower height of more than twenty (20) feet, or increases in height of alternative structures, shall be submitted in writing to the Administrator and shall contain all information required by this Section, the provisions of Chapter III of the City of Island Park Development Code as well as any additional information the Administrator deems necessary and appropriate.

9. Applicant’s Burden. The Applicant for a facility shall bear the burden of demonstrating by substantial evidence that a bona fide need exists for the proposed facility and that no reasonable combination of locations, techniques or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed facility.


a. No tower shall be approved if an electric transmission tower is located within a one mile radius (5,280 feet) laterally of a proposed tower site and if road access and necessary utilities can be obtained within a one quarter mile radius (1,320 feet) of the existing electric transmission tower, unless the Applicant can demonstrate that sufficient easements or other interests in real property cannot be obtained to accommodate the facility, or that the electric utility owning the electric transmission tower is unwilling to allow its use for a facilities, or if the planned equipment would exceed the structural capacity of the existing electrical transmission tower.

b. Electric transmission towers less than one hundred feet (100') in height may be replaced by pressure-treated wooden or metal electric transmission towers up to one hundred feet (100') in height. Such replacement shall be at the discretion of the electric utility which owns or operates the electric transmission tower, taking into account safety, service disruptions, structural capacity and structure life or duty.
cycle. For purposes of this Section, such replacement electric transmission tower shall be deemed to be an existing structure.

11. Need. The Applicant shall demonstrate that the facility must be located where it is proposed in order to service the Applicant's service area. There shall be a written explanation of why a facility and this proposed site is technically necessary.

12. Documentary Evidence. Any Applicant requesting permission to install a new facility shall provide evidence of written contact with all service providers who supply service within two miles of a proposed facility. The Applicant shall inquire about potential colocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The Applicant's letter(s) as well as response(s) shall be required as part of the Class II application as a means of demonstrating the need for a new facility.

13. Documented Permission. Where the facility is located on a property owned by another, the Applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that adequate vehicular access is provided to the facility. If the property upon which the facility is located is sold or otherwise changes ownership, the applicant shall be solely responsible for notifying the Administrator of such change in ownership and shall submit written documentation that easement or lease has been legally transferred to the new owner.

14. Documented Access. Applicants will provide evidence of irrevocable perpetual legal access to the tower site and that the access will be maintained regardless of other applications that may take place on the site.

15. Presumption Favoring Existing Structures. A proposal for a new facility or the expansion or increase in height of an existing facility shall not be approved unless the Commission finds that the equipment planned for the proposed facility cannot be accommodated on existing or approved towers, buildings or alternative structures no more than forty (40) feet in height (after first considering electric transmission towers) within a one mile radius (5,280 feet) of the proposed telecommunication tower site due to one or more of the following reasons:

   a. The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed Idaho professional engineer, and the existing or approved tower, building or structure
cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed Idaho engineer and the interference cannot be prevented at a reasonable cost.

c. Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Idaho professional land surveyor, landscape architect or professional engineer.

d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower, building or other structure.

16. Tower Height Limitations. The height of any tower shall be limited in accordance with the following provisions:

a. Where the tower site is surrounded by a dense mature vegetative canopy within 100 feet of the tower site, the tower shall not extend more than twenty (20) feet higher than the average height of the mature vegetative canopy found within five hundred (500) feet of the site.

b. Where no vegetative canopy exists within one hundred (100) feet of the tower site, the maximum tower height shall be forty (40) feet.

c. The determination of a dense mature vegetative canopy shall be determined an Idaho licensed biologist, landscape architect or professional engineer using the Leaf Area Index (LAI), Normalized Difference Vegetative Index (NDVI), or other similar study.

17. Tower Spacing. Towers shall be located at least 2 miles from other towers based upon a survey of surrounding sites. Closer spacing may be recommended / approved by the Commission when the applicant can prove the need as set forth here.

18. Protected State and Federal Lands. If a proposed tower is to be located within two miles of any property owned by the State of Idaho or the Caribou-Targhee National Forest, the applicant
shall be required to submit a copy of its application to the appropriate State or Federal land manager for review and comment and shall provide a copy of its transmittal letter to the Administrator to verify its compliance with this provision. The responsible State or Federal land manager shall have thirty (30) days to review and provide written comments on the Class II application prior to its consideration by the Commission.

19. Co-location Requirements. To minimize cumulative visual impacts, the City of Island Park to requires co-location of new facilities with existing and planned facilities whenever feasible and aesthetically desirable. All facilities erected, constructed, or located within the corporate limits of the City of Island Park shall comply with the following co-location requirements.

20. Approved Towers. A proposal for a new facility or tower shall not be approved unless the Commission find that the facility cannot be accommodated on existing or approved towers or alternative structures within a two (2) mile search radius of the proposed location due to one or more of the following reasons:

   a. The planned equipment would exceed the structural capacity of the existing or approved towers, buildings or other structures, as documented by a qualified and licensed Idaho professional engineer, and the existing or approved structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;

   b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed Idaho professional engineer and the interference cannot be prevented at a reasonable cost;

   c. Existing or approved towers, buildings or other structures within the search radius, or combination thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Idaho professional engineer, or;

   d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower, building or other structure.

21. Additional Users. Except in the case of a tower within a tree canopy, any proposed tower shall be designed structurally, electrically, mechanically and in all respects to accommodate both the Applicant’s antennas and comparable antennas for at least one additional user. In the case of
facilities placed on an electric transmission tower, co-location may not be required if the electric utility owning the tower determines that for structural, safety and operational reasons the tower cannot accommodate additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

22. Co-location limitations. Antennas or antenna arrays employed as part of a facility may not be co-located on a tower or other support structure used by an amateur radio operator.

23. Tower and Antenna Design & Appearance Requirements. No Class II Permit shall be approved for a tower, increase in tower height, or increase in height of an alternative structure unless the Commission finds that the design standards of this section have been met. Proposed or modified facilities shall meet the following design requirements:

   a. Towers and antennas may be required to blend into the surrounding environment. Stealth or concealment technology will be required.

   b. Guyed towers are prohibited. Towers shall be of a monopole design unless the Commission determines that an alternative design would better blend into the surrounding environment.

   c. Use of polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays which rely on antennas being physically separated) and dual-band/multi-band antennas (allowing two or more providers of different types of commercial wireless services to share a common antenna) is encouraged.

   d. Antennas shall be mounted on towers so as to present the smallest possible silhouette, profile, or cross-section. Permitted antenna mounting scenarios are:

      1. compact polarized antennas in a cylindrical unicell arrangement less than 22 inches in diameter mounted atop the tower;

      2. panel antennas flush-mounted against the tower; and/or

      3. antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.

24. No tower shall have constructed thereon, or attached thereto, in any way, any platform,
catwalk, crow's nest, triangular framework, climbing devices (within the first 20 feet), or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically inter-connected with any similar arm or bracket.

25. All equipment enclosures and other improvements accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed ten (10) feet in height. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

26. Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The fence may be topped with barbed wire or other security wire. It is required as a condition of approval that the fencing be screened by appropriate landscaping or other means. Landscaped screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise specified, screening shall consist of mature shrubs and shall be maintained at a height of from four (4) to six (6) feet.

   a. Removal of existing vegetation should be minimized.

   b. Any accessory buildings shall be painted or otherwise treated to blend with surroundings.

   c. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

   d. Suitable warning signs containing telephone number and an address for emergency shall be placed on approach to the tower.

27. Fall Zones, Setbacks and Buffers. Towers shall conform to each of the following minimum setback requirements:

   a. A fall zone clear of any dwellings on the same lot or parcel containing the tower (other than equipment enclosures associated with the facility) equal to 1.5 times the height of the tower shall be required.

   b. If there is no dwelling on the same lot or parcel the fall zone shall be equal to the
height of the tower. No dwelling shall be permitted on the same lot or parcel unless the provisions of this Appendix are met.

c. The minimum setback measured from the property line shall be equal to 100% of the tower height.

d. Buffer. If next to a residential subdivision or residential zone where no vegetative screening exists, a buffer of evergreen trees of a minimum of four (4) feet in height shall be provided and maintained and shall be part of the site application plan.

e. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Commission, to allow the integration of a device into an existing or proposed structure such as a church steeple, lighting structures, electric transmission tower, or similar structure.

28. Tower Lighting.

a. Except as required by the FAA, towers and associated facilities shall not be artificially lit.

b. When incorporated into the approved design of a tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

c. A facility may utilize a security light controlled by a motion-detection sensor at or near the entrance to the facility and any structures on the site. Compliance with the provision of Chapter V, Division 2(B) is required.

29. Maintenance/Removal: Abandonment and Removal. Abandoned or unused facilities shall be removed as is set forth in this Division. Abandoned or unused facilities that are not removed within ninety (90) days of the cessation of operations shall be removed. Failure to remove and abandoned or unused facility within this time limit shall be deemed a violation of this ordinance.
31. Definitions

Co-location. The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Open Space. Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped or property designated on a recorded subdivision map to be in perpetual open space.

Telecommunication. The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Wireless telecommunications antenna. The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunications equipment shelter. The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless telecommunications facility. A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless telecommunications tower. A structure intended to support equipment used to transmit
and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

FCC. Shall mean the Federal Communications Commission.

FAA. Shall mean the Federal Aviation Administration.

**TRANSIENT RENTAL:**

A. **Permit Required.** Proposed transient rental uses require a Class II permit as set forth in Chapter III of this ordinance. The requirement for a Permit is required of all newly proposed Transient Rental uses, whether or not the use is for an existing dwelling or a newly constructed dwelling. See Section B, below, for further limitations of permitting. If a transient Rental use has been in existence prior to the enactment of Ordinance No. 113-13, passed by the City Council on June 27, 2013 effective date of July 11, 2013, no Permit is required.

B. **Use.** A Transient Rental Permit shall be reviewed by the Administrator every two (2) years. The Administrator shall determine if a review of the Permit shall be conducted through the public hearing procedures for Class II Permits, including adding, modifying, or deleting of Conditions or of revocation of the Permit. This provision is in addition to the provisions of subsection M and N, below.

C. **Owner required to be present.** For the purposes of a Transient Rental application, the requirements of Chapter III, Division 2, Section (E)(2)(a)(1) are repealed and are substituted as follow:

   1. **Public Hearing procedures.** The Commission shall conduct a public hearing in accordance with the public notice and public hearing procedures of this Development Code. Applications shall be automatically denied if the owner(s) of the property or an authorized legal representative is/are not present at the public hearing.

D. **Location.** A transient rental use shall be located in a residential zoning district and shall not change the residential character of the neighborhood.

E. **Impact on Neighboring Uses.** A transient rental use and/or dwelling shall not adversely affect neighboring properties or diminish the character of the neighborhood in which it is proposed to be located. For transient rental uses, wildlife friendly fencing (see Chapter V, Division 5, Section (C)(vii)) is permitted.
F. Limitation of Use. Pursuant to the provisions of Idaho Code §67-7612(d), the approving body may limit the duration of use if the street and/or road used to front and access the property is not maintained on a yearly basis or if the road and/or street is not cleared of snow. Failure to comply shall immediately cause the Permit to become in non-compliance with the provision of this Section and the Administrator shall commence to notify the Applicant of non-compliance as set forth in sub-sections M and N, below.

G. Occupancy. The occupancy limit shall be determined by the latest City-adopted version of the International Residential Code, and shall be placed on the required signage in subsection H.

H. Signage. A public information sign must be posted in a conspicuous place, where a neighbor can easily read it, with a contact person or agent within the corporate limits of the City of Island Park of within US Census Bureau Census County District (CCD) 9701 must be identified on the sign, be available by phone, and able to respond if there is a problem during the dwelling's use as a transient rental. The public information sign shall clearly state:

1. Approved occupancy limit of the transient rental use and the amount of required off-street parking;
2. Requirements for solid waste of Chapter V, Division 6, Section J;
3. Emergency Services-911.

I. No Encroachment. The transient rental use shall not encroach into any setback or designated open space areas.

J. Off-street parking. Year-round off-street parking shall not interfere with access and/or use of a street or road. There shall be off-street (including street rights-of-way and private road easements) parking, as follows:

(1) Land Use and Parking Spaces required: Transient Rental: Two (2) per bedroom. Each space shall be a minimum of ten (10) feet by twenty (20) feet. All parking areas shall provide on-site turnarounds for all off street parking spaces and loading facilities.

(2). The design of off street parking areas shall not require moving any car, truck or trailer to gain access to a required parking space. (No tandem parking.)

(3) If a trailer(s) and/or motorhome is to be permitted as a Condition of Approval, the following are required:

(a) Trailer parking and maneuvering areas: One (1) per bedroom. Each space shall be a minimum of ten (10) feet width by sixty (60) feet in length plus adequate maneuvering area located on-site. Such maneuvering area shall not encroach or require use of any required off-street parking spaces or required maneuvering areas, or any required snow storage areas;
(b) Motorhome parking and maneuvering areas: Each space shall be a minimum of ten (10) feet in width by forty-five (45) feet in length. Triple towing and parking requires a total combined length that does not exceed seventy-five (75) feet plus required maneuvering area. Such maneuvering area shall not encroach or require use of any required off-street parking spaces, required maneuvering areas, or any required snow storage areas;

(4) Required off-street parking or maneuvering areas shall be located on private property and shall not encroach, in whole or in part, onto any street or road right-of-way or private road easement;

(5) Off-street parking spaces, maneuvering areas, and access routes shall be accessible at all times of use;

(6) One (1) or more on-site snow storage areas shall be designated in the site plan and shall not include any driveway, off-street parking or maneuvering area;

(7) All required off-street and maneuvering area, motor home parking and maneuvering areas, and trailer parking and maneuvering areas, shall maintained and be available for use at all times of use of the property as a transient rental; and

(8) Off-street parking areas need not be paved.

(9) If a trailer(s) and/or motorhome(s) are proposed to be parked, the owner as part of the application submittal documentation, shall state that trailer(s) and/or motorhome(s) are proposed and shall show compliance with the parking and maneuvering area requirement as set forth above. If no such use is proposed the owner shall state this fact on the application.

K. State Travel and Convention Tax and Sales Tax. As part of the application submittal requirements, a copy of the application to the Idaho State Tax Commission for payment of state Travel and Convention Tax and Sales Tax is required.

L. Recording. If approved, the Administrator shall record the approval with the Fremont County Recorder within ten (10) day of the date of approval.

M. Violation. In addition to the Enforcement provisions set forth in Chapter III, Division 15, and notwithstanding the time limitations set forth in Chapter III, Division 15, Sections (C)(1) and (C)(4) any owner who fails to apply for and obtain a Permit for a Transient Rental use shall cease the use of the property as a transient rental.
N. Compliance. The Administrator shall, in writing, notify the Applicant of any deficiencies identified in the inspection, along with the reasons therefore, and serve such notice either by personal service or by certified mail return receipt, with service being effective upon mailing. Any deficiencies identified during an inspection shall be corrected within a specific timeframe not to exceed thirty (30) days of the written notice, with written evidence of the corrections provided to the Administrator by the owner. Failure to correct deficiencies in the allotted time may result in suspension or revocation of the Permit by the approving body using the same public notice and hearing procedures as used for the approval of the permit.

O. Definition of Person and Non-Transferability

1. For the purposes of the section, “person” means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred his property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a transient rental permit. If the owner is a business entity such as a partnership, a corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit that has a transient rental permit.

2. A transient rental permit is issued to a specific owner of a dwelling unit. The transient rental permit shall be revoked when the permit holder sells or transfers the real property which was rented pursuant to the transient rental permit except as provided below. For purposes of this section, “sale or transfer” means any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner’s death to a trust which benefits only a spouse for the spouse’s lifetime, or lifetime transfers between spouses. A permit holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor’s death or the sale or transfer of his or her interest in the entity to another person, the transient
rental permit held by the transferor shall become null and void. (Ord 17-142, adopted July 27, 2017, eff. August 9, 2017)

**TRUCK STOP:**

A. The use shall be located on a state highway.

B. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

C. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the appropriate fire authority.

D. If the truck stop has been designated a safe haven facility by the board for trucks transporting hazardous materials, accessory sleeping quarters may be allowed.

E. Other accessory uses including, but not limited to, office, restaurant, and convenience retail, may be allowed if such facilities are completely within the truck stop facility.

**VEHICLE IMPOUND YARD:**

A. Screening:

1. Outdoor storage and outdoor activity areas shall comply with Outdoor Storage of this Appendix. The fence or wall and screening materials shall be a minimum of ten feet (10') in height.

2. No portion of the vehicle impound yard outdoor storage areas and/or outdoor activity areas may be visible from any "street" as herein defined.

3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

B. Site Related Standards:
1. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district.

2. No person shall establish, operate, or maintain a vehicle impound yard, any portion of which is farther that five hundred feet (500') from the nearest edge of the right of way of a state highway.

WAREHOUSE:

No additional standards are required for this specific use.

WIND ENERGY SYSTEM STANDARDS

A. Purpose. To establish standards and definitions to allow for the permitting and placement of wind energy systems while protecting the public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system, to protect the public health safety and general welfare (conformance with the City of Island Park Comprehensive Plan), and to ensure that the important features of the City of Island Park are protected.

B. Permit Required. Small Wind Energy Systems containing not more than two (2) wind towers shall be permitted on each lot or parcel through a Class I permit, as set forth in Chapter III, in all zoning districts, and shall be subject to the standards of this subsection.

C. Large Wind Energy Facilities are prohibited in the corporate limits of the City of Island Park and the Area of City Impact.

D. Meteorological towers shall be permitted through a Class I permit as set forth in Chapter III, in all zoning districts, and shall be subject to the standards of the City of Island Park Development Code and of this subsection.

E. General Provisions

1. Setbacks. The tower shall be set back a minimum distance equal to its total height from:

   a. Any public road right of way;

   b. Any private road easement;
c. Any overhead utility line easement;

d. All property lines; and

2. Abutting property owners may grant perpetual easements reducing this setback distance from their property lines.

3. Access.

   a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access; and

   b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of twelve feet (12') above the ground.

   c. Electrical Wires. All electrical wires, other than wires necessary to connect the wind generator to the tower wiring, the tower to the disconnect junction box, and the grounding wires shall be located underground.

   d. Lighting. Except as required by the FAA, towers and wind turbines shall not be artificially lit.

   e. Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer. Small scale wind energy systems located in a Residential zoning district shall be limited to monopole towers.

   f. Signs. Appropriate warning signs, and owner identification shall be required on a wind generator, tower, building or other structure associated with a wind energy system. One unlighted sign not greater than six (6) square feet may be permitted identifying the manufacturer’s or installer.

   g. Code Compliance. A wind energy system including the tower shall comply with the latest City adopted version of the International Building Code, and state / national electrical codes. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped by and Idaho licensed professional engineer and shall include engineered drawings of the tower, base, footings, and or foundations provided by the manufacturer.
h. Utility Notification and Interconnection. Wind Energy Systems that connect to the electric utility shall comply with rules for interconnecting distribution generation facilities. No Wind Energy System shall be installed without a written statement with signature and date from the utility company indicating they have been informed of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

i. Meteorological Towers. Meteorological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as Small Wind Energy System.

j. Siting Prohibitions. All wind energy systems located in the corporate limits of the City of Island Park or within the Area of City Impact, within one (1) mile of the high water mark Henry's Fork of the Snake River and Henry's Lake are prohibited.

F. Definitions.

1. Large Wind Energy Facility means a wind energy facility or system that is a electricity-generating facility consisting of one or more large energy systems under common ownership or operating control that includes substations, met towers, cable/wires and other building accessories to such facility, whose main purpose is to supply electricity to off-site customer(s).

   a. Is used to generate electricity for one or multiple off site customer(s);

   b. Has a tower height of more than forty (40) feet or has generating capacity greater than 100 kW.

2. Meteorological tower (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind indicators), wind direction vanes, booms to hold equipment anemometer and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

3. Small wind energy system means a wind energy system that:

   a. Is used to generate electricity for private use;

   b. Has a maximum tower height of forty (40) feet and has generating capacity not greater than 100 kW.
4. Total height means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

5. Tower means the monopole, freestanding, or guyed structure that supports a wind generator. Freestanding and guyed structures and towers are only permitted for meteorological towers. All small wind energy systems shall have a monopole tower if located in a Residential Zoning District.

6. Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the towers.

7. FAA means the Federal Aviation Administration.
A. Purpose of Roadway Standards. The purpose of this appendix is to provide uniform standards for the construction or reconstruction of roads in the City of Island Park.

The general location of each roadway and public right of way is shown on the most current version of the Official Highway Map for Fremont County, which is published by the Fremont County.

In order to protect the public, roadways within subdivisions and Planned Communities must also follow the City of Island Park Roadway Standards. Subdivision and Planned Community roads may be public right-of-ways or private easements, as determined by the City Council through the subdivision or Planned Community application process.

B. Need For Control And Uniformity

The intent of these Roadway Standards is to provide a uniform roadway network throughout the City of Island Park.

It is further the intent of these Roadway Standards to upgrade and maintain the safest highway system and roadway system available to the public within the City of Island Park. It is not the intent to put forward conflicting requirements that will detract from the safety of the traveling public.

It is also the intent of these Roadway Standards to promote the construction of good streets and roads while reducing maintenance and repair costs.

C. Disclaimer. Nothing herein shall be construed to impose a mandatory requirement or a duty upon the City of Island Park to construct, reconstruct, or improve existing public streets or
highways to comply with these guidelines. The adoption or application of these standards does not create a need or obligation for the City of Island Park to upgrade any existing roadways to the same level.

D. Definition Of Terms

Applicant - Any person or persons making application to the City of Island Park Planning and Building Department for a Class I, Class II, or Other permit.

Base – Crushed aggregate material placed above the sub-base material to provide structural support for pavement or an all-weather unpaved surface.

Bridge – Structures twenty (20) feet or larger in span, measured along the centerline of the roadway from the inside face of wall or abutment.

Culvert – Any structure with a span of twenty (20) feet or less measured along the centerline of the roadway.

Dedication - The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted by the City Council as a public dedication, either by ordinance, resolution, or entry in the official minutes or by the recording of a plat showing such dedication.

Improvement agreement- is a contract entered into between the City of Island Park and a holder of property with application rights, the principal purpose of which is to negotiate and to establish the application regulations that will apply to the subject property during the term of the agreement and to establish the conditions to which the application will be subject.

Easement - A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes.

Highway - The entire width between the boundary lines of a publicly maintained roadway when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and public rights-of-way not intended for motorized traffic. The terms (street, road or roadway) are interchangeable with highway.

Irrigation Facilities - Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water.
Owner - A "person", as herein defined, having sufficient proprietary interest in the land to maintain proceedings under this Ordinance. Also see Chapter X, Definitions.

Plans - The official improvement/application drawings, profiles, typical sections, standard drawings, or reproductions thereof, designed by a licensed Engineer and approved by the City Engineer, that show location, character, dimension, and details of the work to be performed. Also referred to as design drawings.

Plat - A map of a subdivision (also see Chapter III), further described as:

a. Preliminary Plat - A preliminary map, including supporting data, indicating a proposed subdivision application, prepared in accordance with the Fremont County Development Code and the Idaho Code.

b. Final Plat - A map of all or part of a sub-division providing substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with the Fremont County Development Code and the Idaho Code.

c. Recorded Plat - A final plat bearing all of the certificates of approval required by the Fremont County Development Code and the Idaho Code and duly recorded in the Fremont County Recorder’s Office.

Public Right-of-Way - A right-of-way open to the public and under the jurisdiction of Fremont County, where Fremont County has no obligation to construct or maintain, but may expend funds for the maintenance of said public right-of-way or post traffic signs for vehicular traffic on said public right-of-way (see Idaho Code §40-117(6)). A term used to define a specific space which includes the entire prism of the roadway, including the adjacent area used for drainage and/or utilities.

Reserve Strip - A strip of land between a dedicated street or partial street and adjacent property, in either case, reserved or held in public ownership for future street extension or widening.

Road - See roadway.

Roadway - That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the public right-of-way. Roadways are classified as follows:

a. Arterial Route - A general term including expressways, major and minor arterial streets and interstate, state or county highways providing regional connectivity.
b. Collector Street or Highway - A street or highway that provides for traffic movement within neighborhoods and between arterial streets and local streets and for direct access to abutting property.

c. Private Road- A street that provides for direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial streets (also known as a local road or street).

d. Marginal Access Street (Frontage Road) - A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route, sometimes referred to as a frontage road.

e. Cul-de-sac Street - A local road or street having one end permanently terminated in a vehicular turnaround.

f. Loop Street - A minor street with both terminal points on the same street of origin, but not at the same location.

g. Alley - A public or private way of limited use intended only to provide access to the rear or side of lots or buildings.

Street - See roadway.

Sub-base – Material placed above the subgrade to provide structural support to the surfacing. Also known as granular base material or pit-run gravel.

Subdivider - A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner, who submits the required subdivision application and initiates proceedings for the subdivision of land in accordance with appropriate procedures.

Subdivision - See Chapter X, Definitions.

Subgrade – The constructed ground surface within the right-of-way upon which any structure, base aggregate or granular base material is placed.

Surfacing – The uppermost layer of material placed on the traveled way.

Top Soil – Surface soil, suitable for the germination of seeds and the support of vegetative growth.
Traffic Control Devices – All signs, signals, barricades, guardrails, pavement markings, channelization, or other equipment used for the purpose of regulating, warning, and guiding traffic.

Traveled Way - The portion of the roadway for the movement of vehicles, exclusive of ditches and roadside areas.

Utility Facilities - Installations or facilities, underground or overhead, furnished for use by the public, including but not limited to: electricity, gas, steam, television, communications, water, drainage, irrigation, sewage disposal, or flood control, owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations.

Minimize Environmental Impacts:

1. Road layouts shall follow the natural contours when possible, minimize cuts and fills, and avoid excessive runoff concentrations and other negative environmental impacts.

2. Avoid Natural Hazards: Roads shall not be constructed on slopes steeper ten percent (10%) on naturally unstable slopes or in other hazardous areas except where no other alternative exists to access a buildable site. Slope refers to the ground slope on which the road is proposed and not to the grade of the road surface. Small inconsequential and isolated areas of slope steeper than ten percent (10%) may be exempted from this standard. Also refer to Appendix I - Hillside Development Standards.
3. **Critical Wildlife Areas**: Roads shall be designed to avoid critical wildlife areas, and to locate developments along the edges of designated critical wildlife areas, to minimize intrusion into and development of Critical Wildlife Areas and migration routes.

4. **Visually Sensitive Areas**: Roads shall be designed to avoid visually sensitive areas and to locate development along the rear and/or side edges of visually sensitive areas.

**Construction Standards**: All new and reconstructed streets and roads shall comply with the following construction standards:

**a. Engineer**: All roads shall be designed by a registered civil engineer licensed in the State of Idaho. A registered civil engineer licensed in the State of Idaho shall supervise the road construction and shall file all inspection reports, a final inspection report, and final as-built drawings with the Administrator. The cost of the road engineering, construction, and reports shall be the responsibility of the owner/developer. An improvement agreement shall be required to be executed.

**b.** All new and reconstructed roads are also subject to the standards of Appendix F, Wildland Urban Interface, whichever is more restrictive

**c. Dimensions**: Roads shall have a minimum:

- i. Right-of-way or easement widths of sixty (60) feet;
- ii. Driving surface width of twenty four (24) feet; and
- iii. Shoulder width of two (2) feet on each side.

- iv. Adequate area(s) or additional width for snow storage. Snow storage areas shall not be allowed in any required off-street parking area or within any road driving surface; and

- v. The reconstruction of existing roads with narrower rights-of-way or easement other than sixty (60) feet shall be allowed to maintain the existing right-of-way or easement.

**d. Right-of-Way Treatment**: The entire required right-of-way should not be cleared. Grading should be confined to the minimum area necessary for construction of a properly drained road surface. There shall be a minimum of ten (10) feet setback from shoulder of road surfaces for any and all fences, signage, or any other type of construction to allow for winter snow removal and disposal, and visibility.
e.Monumentation. The right-of-way shall be monumented in accordance with Idaho state statutes. Easements shall be monumented in a similar fashion.

f. Surface Construction: Road surfaces shall be laid over a properly compacted sub-grade and consist of:

i. A sub-base of a minimum six (6) inches of coarse aggregate, compacted to engineers specifications; and

ii. A base of a minimum two (2) inches of crushed aggregate, compacted to engineers specifications; and

iii. Must be finished with a minimum of four (4) inches of crushed aggregate, compacted to the engineers specifications.

g. Drainage: Road surfaces shall be crowned so as to slope away from the centerline at a grade of two percent (2%). Shallow, drainage swales and snow storage areas shall be provided along all roads. The surface water from all sources shall be conveyed of the roadway at sufficient intervals and location to control roadbed erosion, soil erosion, and to maintain a stable road surface. These drainage ways, swales and snow storage areas shall be reseeded after construction.

h. Maximum Grade: The maximum grade of any road shall be ten percent (10%).

i. Cul-de-sacs: Cul-de-sacs may be used, with the maximum length six hundred sixty (660) feet and a terminus with a radius of sixty (60) feet of paved surface. Other dead-end street designs shall be prohibited, except where temporarily permitted by an approved subdivision phasing plan, or to provide for future connections between developments. A temporary cul-de-sac shall be provided wherever a temporary dead-end street serves four (4) or more lots.

h. Minimum Centerline Radius of Curves: The minimum centerline radius of all curves shall be one hundred (100) feet.

i. Grade at Intersections: The road grade for all approaches (including but not limited to other public streets and roadways, private streets and roadways) to a road intersection shall not exceed three percent (3%) within fifty (50) feet of the intersecting road right-of-way lines.

j. Alignment of Intersections: Road intersections (including but not limited to other public streets and roadways, private streets and roadways) shall be constructed at ninety degree
(90°) angles, ± five degree (5°) and all approaches shall maintain this angle for at least fifty (50) feet measured from the intersecting right-of-way lines.

**k. Minimum Centerline Offset:** Intersections not aligned pursuant to subsection “k” above shall be offset. The minimum offset between road surface center lines shall be one hundred twenty five (125) feet, except for intersections with arterial roads, in which case the offset shall be a minimum of two hundred (200) feet or as determined by Idaho Transportation Department.

**l. Signs:** The developer shall install stop signs at all intersections with arterial roads. The developer shall also install all other signs required for safe traffic and pedestrian movement in the development as determined by the Fremont County Public Works Director, or Idaho Transportation Department, whichever agency has jurisdiction over traffic control on the road.

5. **Subdivision Name:** Per Idaho Code §50-1307, the proposed name of a subdivision shall not duplicate, or closely approximate the name of any other subdivision in Fremont County. Subdivision naming shall be reviewed by the and approved as part of the subdivision.

6. **Addresses:** Street addresses shall be assigned in accordance with the addressing system in effect within Fremont County. Addresses shall be assigned prior to issuance of any building permit on any lot or parcel.

7. **Street Names:** Names for new streets may be by the applicant and must be approved as part of the subdivision approval. Street names shall not duplicate existing street names unless the proposed street is a continuation of or is in alignment with an existing street. Street names shall be reviewed and approved by the Fremont County Public Works Director.

8. **Culverts and Bridges:** All culverts and bridges shall be designed by a registered engineer licensed in the State of Idaho. Bridges and culverts are subject to the stream corridor requirements of this ordinance.

   **a.** All bridges on natural watercourses shall be designed to pass a one hundred (100)-year flood without damage to the bridge or its approaches, without diverting floodwaters onto neighboring properties, and without increasing the level of the base flood.

   **b.** The developer may be required to install a bridge rather than a culvert on any natural watercourse where such action is required. All bridge and culvert designs shall be submitted to the Idaho Transportation Department, Idaho Department of Fish and Game, and the US Corps of Engineers, as applicable, for their review and comments on whether a bridge or culvert should be used.
c. Culverts shall be designed to pass the runoff from the ten (10) year, six (6) hour storm, and if applicable, be approved by the Army Corp of Engineers and/or other governing entities.

d. All culverts and bridges shall be designed to support a minimum gross vehicle load of eighty thousand (80,000) pounds.

e. There shall be a minimum fifty (50) foot straight approach to all bridges.
A. PURPOSE: The purpose of this Appendix is to protect the public health, safety, and welfare by establishing standards to:

1. Minimize the potential of spreading fire from wildland areas to structures;
2. Establish special standards that apply to new construction, alteration, moving, or change of use of habitable structures, including residential, multiple family residential, commercial, and industrial structures, with the intent to reduce the threat of loss of life and property from fire;
3. Require vehicle turnouts on new public and private roads with the intent to provide better emergency access to remote areas; and
4. Require that new subdivisions, multiple family residential structures and uses, commercial and industrial structures and uses, to provide water supply systems and suitable access for firefighting crews, with the intent to increase the resources available to such crews and minimize the spread of fire.

B. APPLICABILITY:

1. These regulations shall apply to: 1) new subdivisions; 2) new public roads; 3) new private roads; and/or 4) new construction, alteration, moving, or change of use of residential, commercial or industrial structures within the overlay district as identified on the wildland-urban interface overlay district map, the limits of which are adopted by Ordinance No. 18-156 on file with the City Clerk, or as hereinafter may be amended.

2. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different sections of this Appendix specify different materials, methods of construction, or other requirements, the most restrictive shall govern.

3. Other Laws: The provisions of this appendix shall not be deemed to nullify any provisions of local, state or federal laws.

4. Application of references: References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision.
5. Referenced codes and standards: The codes and standards in the 2012 International Wildland Interface Code shall be those listed in chapter 7 of that code, and such codes and standards shall be considered as part of the requirements of this appendix to the prescribed extent of each such reference and as further regulated by section (B)(5)(i) and (ii), below.

   i. Conflicts: Where conflicts occur between provisions of this appendix and the referenced standards, the provisions of this appendix shall govern.

   ii. Provisions in referenced codes and standards: Where the extent of the reference to a referenced code or standard include subject matter that is within the scope of this appendix, the provision of this appendix, as applicable, shall take precedence over the provisions in the referenced codes and standards.

6. Retroactivity. The provisions of this Appendix shall apply to conditions arising after the adoption of this Appendix, as provided by law; to conditions not legally in existence after the adoption of this Appendix; and condition which, in the opinion of the Administrator, constitute a distinct hazard to life or property.

   1. Exception: Provisions of this Appendix that specifically apply to existing conditions are retroactive.

7. Addition and/or alterations. Additions and/or alterations shall be permitted to any building or structure without requiring the existing building or structure to comply with all of the requirements of this Appendix, provided that the addition and/or alteration conforms to that required for a new building or structure.

8. Non-habitable structures. Non-habitable structures shall be exempt from the regulations of this Appendix, except when located within the defensible space as set forth in this Appendix.

9. Maintenance. All building, structures, landscaping materials, vegetation, defensible space, or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

10. Severability: If any section, clause, or provision of this ordinance is declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid, the remainder of this ordinance shall remain in full force and effect.
C. CODE OFFICIAL:

1. Code Official. The City of Island Park Planning and Building Administrator shall be designated as the Code Official for the purposes of this Appendix.

A. Powers and duties of the code official.

i. Powers and duties: The code official is hereby authorized to enforce the provisions of this Appendix. The code official shall have the authority to render interpretations of this Appendix and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this Appendix. A copy and any and all such interpretations shall be filed with the City Clerk and shall be available for public inspection and copying.

ii. Liability: Any individual, including City Council or Hearings Examiner, the Planning and Building Administrator, or other City employees or contract consultants, who acts in good faith and without malice in the performance of duties assigned by this ordinance, shall not be held liable for errors or omissions in the administration of this ordinance. A suit brought against such an individual shall be defended by the City and any judgment resulting from such a suit shall be the liability of the City.

iii. Subjects not regulated by this code: Where no applicable standards or requirements are set forth in this appendix, or are contained within other laws, code, regulations, ordinance, or policies adopted by the City of Island Park, compliance with the applicable standards of other nationally recognized safety standards shall be deemed as prima facie evidence of compliance with the intent of this appendix.

iv. Matters not provided for: Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this appendix, shall be determined by the code official consistent with the necessity to establish the minimum requirements to safeguard the public health, safety, and general welfare.

2. Fire Chief: See Section P - Definitions.

D. COMPLIANCE ALTERNATIVES:
1. **Practical difficulties.** (a) When there are practical difficulties involved in carrying out the provisions of this appendix, the code official is authorized to grant modifications for individual cases on application in writing by the owner or a duly authorized representative. The code official shall first find that a special individual reason makes enforcement of the strict letter of this appendix impractical, the modification is in conformance to the intent and purpose of this appendix, and the modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be entered into the files of applicable zoning and/or building permit.

(b) If the code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the vegetation control provisions of the code detrimental to safety or impractical, enforcement thereof may be suspended, provided that reasonable alternative measures are taken.

2. **Technical assistance.** To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the code official, the code official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official and the owner and shall analyze the fire safety of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management for purposes of establishing fire hazard severity to recommend necessary changes.

3. **Alternative materials or methods.** The code official, in concurrence with approval from the building official and fire chief, is authorized to approve alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the International Building Code. The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be entered in the files of the applicable zoning and/or building permit.
E. PERMIT REQUIRED:

1. **Permits required.** Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted, demolished or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the code official.

2. **Work exempt from permit.** Unless otherwise provided in the requirements of the International Building Code or the International Residential Code, a permit shall not be required for the following:
   
   a. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15m$^2$).
   
   b. Fences not over 6 feet (1829 mm) high.

3. **Preliminary inspection.** Before a permit is issued, the code official is authorized to inspect and approve the systems, equipment, buildings, structures, devices, premises and spaces or areas to be used.

F. PERMITS

1 **General.** When not otherwise provided in the requirements of the building or fire code, permits are required in accordance with Sections 3 through 14.

2 **Permits required.** Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted, demolished or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the code official.

3. **Permit required for special activities.** When required by the code official, a permit shall be obtained for the following activities, operations, practices or functions within a wildland-urban interface area:
   
   i. Automobile wrecking yard.
   ii. Candles and open flames in assembly areas.
   iii. Explosives or blasting agents.
   iv. Fireworks.
   v. Flammable or combustible liquids.
   vi. Hazardous materials.
   vii. Liquefied petroleum gases.
viii. Lumberyards.
ix. Motor vehicle fuel-dispensing stations.
  x. Open burning.
  xi. Pyrotechnical special effects material.
  xii. Tents, canopies and temporary membrane structures.
  xiii. Tire storage.
  xiv. Welding and cutting operations.

4. Exemption not to authorize a violation. Exemption from the permit requirements of
this appendix shall not be deemed to grant authorization for any work to be done in any
manner in violation of the provisions of this appendix or any other laws or ordinances of
the City of Island Park. The code official is authorized to stipulate conditions for
permits. Permits shall not be issued when public safety would be at risk, as determined by
the code official.

5. Permit application. To obtain a permit, the applicant shall first file an application
therefore in writing on forms furnished by the code official for that purpose whether it be
for an application required by this ordinance or Ordinance No. 14-126.

A. Every such application shall include, but not be limited to:

   1. Identify and describe the work, activity, operation, practice or function to be
      covered by the permit for which application is made.
   2. Describe the land on which the proposed work, activity, operation, practice or
      function is to be done by legal description or street address.
   3. Indicate the use or occupancy for which the proposed work, activity, operation,
      practice or function is intended.
   4. Be accompanied by plans, diagrams, computation and specifications and other
      data as required in Section G of this appendix.
   5. State the valuation of any new building or structure or any addition, remodeling
      or alteration to an existing building.
   6. Be signed by the applicant or the applicant's authorized agent.
   7. Give such other data and information as may be required by the code official.

6. Preliminary inspection. Before a permit is issued, the code official is authorized to
inspect and approve the systems, equipment, buildings, devices, premises and spaces or
areas to be used.

7. Time limitation of application. An application for a permit for any proposed work
shall be deemed to have been abandoned 180 days after the date of filing, unless a permit
has been issued; except that the code official is authorized to grant one or more
extensions of time for additional periods not exceeding 180 days each. The extension
shall be requested in writing and justifiable cause demonstrated.
8. Permit approval. Before a permit is issued, the code official, or an authorized representative, shall review and approve all permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from all agencies or departments concerned. Such approved plans and specifications shall not be changed, modified or altered without written authorization from the code official, and all work regulated by this code shall be done in accordance with the approved plans.

9. Permit issuance. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the code official is allowed to issue a permit to the applicant. When the code official issues the permit, the code official shall endorse in writing or stamp the plans and specifications.

10. Rejection of plans. Where the application or construction documents do not conform to the requirements of pertinent laws, the code official shall reject such application in writing, stating the reasons therefore.

11. Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this appendix or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this appendix or other ordinances of the City of Island Park shall not be valid.

12. Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if:

   a. The building, use or work authorized by such permit is not commenced within 180 days from the date of such permit;

   b. If the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

   c. If the work is not completed and a certificate of occupancy issued within two (2) years of the date of issuance of such permit.

   d. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The code official may extend the time for action by the
permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

13. **Retention of permits.** The permit, one set of approved plans and specifications, shall be kept on the site of the building, use or work at all times during which the work authorized thereby is in progress and shall at all times be subject to inspection by the code official or other authorized representative.

14. **Revocation of permits.** Permits issued under this code may be suspended or revoked when it is determined by the code official that:

   a. It is used by a person other than the person to whom the permit was issued.

   b. It is used for a location other than that for which the permit was issued.

   c. Any of the conditions or limitations set forth in the permit have been violated.

   d. The permittee fails, refuses or neglects to comply with any order or notice duly served on him under the provisions of this appendix within the time provided therein.

   e. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.

   f. When the permit is issued in error or in violation of any provision of this appendix or ordinance of the City of Island Park.

   g. The code official is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied in violation of any of the provisions of this appendix or any other ordinance of the City of Island Park.

G. **PLANS AND SPECIFICATIONS**

1. **General.** Plans, engineering calculations, diagrams and other data shall be submitted in at least two sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require additional documents to be prepared by a registered design professional. The code official
may require submission of the application and plans and specification in digital form.

2. **Exception**: Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

3. **Information on plans and specifications**. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this appendix and all relevant laws, ordinances, rules and regulations.

4. **Site plan**. In addition to the requirements for plans in the *International Building Code*, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings and site water supply systems. The code official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

5. **Vegetation management plans**. When utilized by the permit pursuant to Ordinance No. 14-126, a vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit.

6. **Fire protection plan**. When required by the code official pursuant to No. Ordinance 14-126, a fire protection plan shall be prepared and shall be submitted to the code official for review and approved as a part of the plans required for a permit.

7. **Other data and substantiation**. When required by the code official, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistant vegetation.

8. **Vicinity plan**. In addition to the requirements for site plans, plans shall include details regarding the vicinity within 300 feet (91 440 mm) of lot or parcel lines, including other structures, slope, vegetation, *fuel breaks*, water supply systems and access roads.

9. **Retention of plans**.
a. For residential permits: One set of approved plans, specifications and computations shall be retained by the code official for a period of not less than two (2) years from date of issuance of the required certificate of occupancy.

b. For non-residential permits: One set of approved plans, specifications and computations shall be retained by the code official permanently.

10. Examination of documents. The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this appendix and other pertinent laws or ordinances of the City of Island Park.

11. Amended documents. Changes made during construction that are not in compliance with the approved documents shall be resubmitted for approval as an amended set of construction documents. Amended documents may result in new or different permit fees.

12. Previous approvals. This appendix shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith, has not been abandoned, and a certificate of occupancy has been issued.

13. Phased approval. The code official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, review and approved; provided that adequate information and detailed statements have been filed complying with pertinent requirements of this appendix. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building of the foundation(s) and without assurance that a permit for the entire structure will be granted.

H. INSPECTION

1. Inspection. Inspections shall be in accordance with this Section.

2. General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code
official nor the City of Island Park shall be liable for expense entailed in the
removal or replacement of any material required to allow inspection. Approval as
a result of an inspection shall not be construed to be an approval of a violation of
the provisions of this code or of other ordinances of the jurisdiction. Inspections
presuming to give authority to violate or cancel the provisions of this appendix or
of other ordinances of the jurisdiction shall not be valid.

3. **Survey.** Where required by the code official, a survey of the lot shall be provided
to verify that the mitigation features are provided and the building or structure is
located in accordance with the approved plans.

4. **Authority to inspect.** The code official shall inspect, as often as necessary,
buildings and premises, including such other hazards or appliances designated by
the code official for the purpose of ascertaining and causing to be corrected any
conditions that could reasonably be expected to cause fire or contribute to its
spread, or any violation of the purpose of this appendix and of any other law or
standard affecting fire safety.

5. **Approved inspection agencies.** The code official is authorized to accept reports
of approved inspection agencies, provided such agencies satisfy the requirements
as to qualifications and reliability.

6. **Inspection requests.** It shall be the duty of the holder of the permit or their duly
authorized agent to notify the code official when work is ready for inspection. It
shall be the duty of the permit holder to provide access to and means for
inspections of such work that are required by this appendix.

7. **Approval required.** Work shall not be done beyond the point indicated in each
successive inspection without first obtaining the approval of the code official. The
code official, upon notification, shall make the requested inspections and shall
either indicate the portion of the construction that is satisfactory as completed, or
notify the permit holder or agent wherein the same fails to comply with this
appendix. Any portions that do not comply shall be corrected and such portion
shall not be covered or concealed until authorized by the code official.

8. **Reinspections.** To determine compliance with this code, the code official may
cause a structure to be reinspected. A fee may be assessed for each inspection or
reinspection when such portion of work for which inspection is called is not
complete or when corrections called for are not made. Reinspection fees may be
assessed when the approved plans are not readily available to the inspector, for
failure to provide access on the date for which inspection is requested or for
deviating from plans requiring the approval of the code official. To obtain a
reinspection, the applicant shall pay the reinspection fee as set forth in the fee
schedule adopted by City Council. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

9. **Testing.** Installations shall be tested as required in this appendix or other applicable ordinance of the City of Island Park and in accordance with this Section. Tests shall be made by the permit holder or authorized agent and observed by the code official.

10. **New, altered, extended or repaired installations.** New installations and parts of existing installations, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

11. **Apparatus, instruments, material and labor for tests.** Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished and paid for by the permit holder or authorized agent.

12. **Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

I. ENFORCEMENT

1. **Enforcement.** Enforcement shall be in accordance with this section.

2. **Authorization to issue corrective orders and notices.** When the code official finds any building or premises that are in violation of this appendix, the code official is authorized to issue corrective orders and notices.

3. **Service of orders and notices.** Orders and notices authorized or required by this appendix shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person’s last known address. Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

4. **Right of entry.** Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the code official has reasonable cause to
believe that there exists in any building or on any premises any condition that makes such building or premises unsafe, the code official is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this code, provided that if such building or premises is occupied, the code official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. Owners, occupants or any other persons having charge, care or control of any building or premises, shall, after proper request is made as herein provided, promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

5. **Compliance with orders and notices.** Compliance with orders and notices shall be in accordance with this Section.

6. **General compliance.** Orders and notices issued or served as provided by this appendix shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains. If the building or premises is not occupied, such corrective orders or notices shall be complied with by the owner.

7. **Compliance with tags.** A building or premises shall not be used when in violation of this appendix as noted on a tag affixed in accordance with Section I(6), General Compliance, above.

8. **Removal and destruction of signs and tags.** A sign or tag posted or affixed by the code official shall not be mutilated, destroyed or removed without authorization by the code official.

9. **Violations.** Persons operating or maintaining an occupancy or premises subject to this appendix who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy or premises when ordered or notified to do so by the code official shall be guilty of a misdemeanor.

10. **Unsafe conditions.** Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this appendix code or any other ordinance of the City of Island Park, are unsafe conditions. Unsafe buildings or structures shall not be
used or occupied. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes, including but not limited to, the City adopted version of the 1997 Uniform Code for the Abatement of Dangerous Buildings.

11. **Record.** The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

12. **Notice.** Where an unsafe condition is found, the code official shall serve on the owner, agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified, or their designee, to declare within a stipulated time to the code official acceptance or rejection of the terms of the order.

13. **Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified mail with return receipt required, addressed to the owner of record as listed by the Fremont County Assessors records; or (c) delivered in any other manner as prescribed by law. If the certified letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner’s agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

14. **Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “UNSAFE” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

15. **Placard removal.** The code official shall remove the unsafe condition placard whenever the defect or defects upon which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the code official shall be subject to the penalties provided by this appendix.

16. **Abatement.** The owner, operator or occupant of a building, structure or premises deemed unsafe by the code official shall abate or correct or cause to be abated or
corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

17. **Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the code official is authorized to abate or correct summarily such hazardous conditions that are in violation of this appendix.

18. **Evacuation.** The code official shall be authorized to order the immediate evacuation of any occupied building structure or premises deemed unsafe when such hazardous conditions exist that present imminent danger to the occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or reenter until authorized to do so by the code official.

19. **Prosecution of violation.** If the notice of violation is not complied with promptly, the code official shall notify the Mayor and request the city attorney institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this appendix or of the order or direction made pursuant thereto.

20. **Violation penalties.** Any person who violates a provision of this Ordinance or appendix or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or structure in violation of approved plans or construction documents, or a directive of the building official, or of a permit or certificate of occupancy issued under the provisions of this appendix, shall be guilty of a misdemeanor. See Chapter III for enforcements and penalties.

21. **Abatement of violation.** In addition to the imposition of the penalties herein described, the code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

**J. CERTIFICATE OF COMPLETION**

1. **General.** No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion therefore as provided herein. The certificate of occupancy shall not be issued until the certificate of completion indicating that the project is in compliance with this appendix has been issued by the code official.
2. **Certificate of occupancy.** Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this appendix or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this appendix or other laws or ordinances of the jurisdiction shall not be valid.

3. **Exceptions:** Certificates of occupancy are not required for work exempt from permits under Section E of this appendix.

4. **Temporary occupancy.** The code official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The code official shall set a time period during which the temporary certificate of occupancy is valid.

5. **Revocation.** The code official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this appendix wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this appendix.

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**K. TEMPORARY STRUCTURES AND USES**

1. **General.** The code official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

2. **Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, and ventilation requirements of this appendix as necessary to ensure the public health, safety and general welfare. Conformance to the requirements and permitting of the Eastern Idaho Public Health District and the State of Idaho is also required. The code official may require copies of all other agency approvals as part of the application materials.
3. **Termination of approval.** The code official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

**L. FEES**

1. **Fees.** For buildings, structures, alterations, or uses requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule of fees as established, by Resolution, by the City Council.

2. **Work commencing before permit issuance.** Any person who commences any work before obtaining the necessary permits may be subject to an additional fee established by Resolution of the City Council, which shall be in addition to the required permit fees.

3. **Related fees.** The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

4. **Refunds.** The City Council, by resolution, may establish a refund of any or all fees, or parts thereof.

**M. SERVICE UTILITIES**

1. **Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this appendix for which a permit is required until released by the code official.

2. **Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this appendix and the referenced codes and standards set forth in Section B(5) of this appendix in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the release required by this section. The code official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.
N. STOP WORK ORDER

1. **Authority.** Whenever the code official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the code official is authorized to issue a stop work order.

2. **Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner’s authorized agent or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

3. **Emergencies.** Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

4. **Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall guilty of a misdemeanor.

O. DEFINITIONS

**GENERAL**

1 **Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this appendix, have the meanings shown in this appendix.

2 **Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

3 **Terms defined in other codes.** Where terms are not defined in this appendix and are defined this Ordinance (Chapter X), or in other *International Codes*, such terms shall have the meanings ascribed to them as in Chapter X, or in those codes.

4 **Terms not defined.** Where terms are not defined through the methods authorized by this section, the terms and definitions of Chapter X, Definitions, of this Ordinance shall apply or such terms shall have their ordinarily accepted meanings such as the context implies.

**DEFINITIONS**
ACCESSORY STRUCTURE. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

APPROVED. Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

CERTIFICATE OF COMPLETION. Written documentation that the project or work for which a permit was issued has been completed in conformance with requirements of this appendix.

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the code official’s authorized representative.

CRITICAL FIRE WEATHER. A set of weather conditions (usually a combination of low relative humidity and wind) whose effects on fire behavior make control difficult and threaten fire fighter safety.

DEFENSIBLE SPACE. An area either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DRIVEWAY. A vehicular ingress and egress route that serves no more than two buildings or structures, not including accessory structures, or more than five dwelling units.

FIRE CHIEF. The chief officer or the chief officer’s authorized representative of the fire department serving the jurisdiction.

FIRE FLOW CALCULATION AREA. The floor area, in square feet (square meters), used to determine the adequate water supply.

FIRE MARSHALL. The Fremont County Fire Marshall.

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for the wildland urban interface area. It describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing impact on the community’s fire protection delivery system.
**FIRE WEATHER.** Weather conditions favorable to the ignition and rapid spread of fire. In wildfires, this generally includes high temperatures combined with strong winds and low humidity. See “Critical fire weather.”

**FIRE-RESISTANCE-RATED CONSTRUCTION.** The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the wildland-urban interface area.

**FLAME SPREAD INDEX.** A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E 84.

**FUEL BREAK.** An area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled. Fuel breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for fire fighting.

**FUEL, HEAVY.** Vegetation consisting of round wood 3 to 8 inches (76 to 203 mm) in diameter. See Fuel Models G, I, J, K and U described in Appendix D of the 2012 International Wildland Urban Interface Code.

**FUEL, LIGHT.** Vegetation consisting of herbaceous plants and round wood less than 1/4 inch (6.4 mm) in diameter. See Fuel Models A, C, E, L, N, P, R and S described in Appendix D in the 2012 International Wildland Urban Interface Code.

**FUEL, MEDIUM.** Vegetation consisting of round wood 1/4 to 3 inches (6.4 mm to 76 mm) in diameter. See Fuel Models B, D, F, H, O, Q and T described in Appendix D of the 2012 International Wildland Urban Interface Code.

**FUEL MODIFICATION.** A method of modifying fuel load by reducing the amount of non-fire resistive vegetation or altering the type of vegetation to reduce the fuel load.

**FUEL MOSAIC.** A fuel modification system that provides for the creation of islands and irregular boundaries to reduce the visual and ecological impact of fuel modification.

**FUEL-LOADING.** The oven-dry weight of fuels in a given area, usually expressed in pounds per acre (lb/a) (kg/ha). Fuel loading may be referenced to fuel size or timelag categories, and may include surface fuels or total fuels.

**GREEN BELT.** A fuel break designated for a use other than fire protection.

**HAZARDOUS MATERIALS.** As defined in the International Fire Code.
HEAVY TIMBER CONSTRUCTION. As described in the *International Building Code*.

IGNITION-RESISTANT BUILDING MATERIAL. A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildland-urban interface conflagrations under worst-case weather and fuel conditions with wildfire exposure of burning embers and small flames, as prescribed in Ordinance 14-126.

IGNITION-RESISTANT CONSTRUCTION, CLASS 1.

A schedule of additional requirements for construction in wildland-urban interface areas based on extreme fire hazard.

IGNITION-RESISTANT CONSTRUCTION, CLASS 2.

A schedule of additional requirements for construction in wildland-urban interface areas based on high fire hazard.

IGNITION-RESISTANT CONSTRUCTION, CLASS 3.

A schedule of additional requirements for construction in wildland-urban interface areas based on moderate fire hazard.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches (152 mm).

MULTILAYERED GLAZED PANELS. Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to ASTM E 136 shall be considered noncombustible within the meaning of this section.

2. Material having a structural base of noncombustible material as defined in Item 1 above, with a surfacing material not over 1/8 inch (3.2 mm) thick, which has a flame spread index of 50 or less. Flame spread index as used herein refers to a flame spread index obtained according to tests conducted as specified in ASTM E 84 or UL 723. “Noncombustible” does not apply to surface
finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Item 1. No material shall be classified as noncombustible that is subject to increase in combustibility or flame spread index, beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

**NONCOMBUSTIBLE ROOF COVERING.** One of the following:
1. Cement shingles or sheets.
2. Exposed concrete slab roof.
3. Ferrous or copper shingles or sheets.
4. Slate shingles.
5. Clay or concrete roofing tile.
6. *Approved* roof covering of *noncombustible* material.

**SLOPE.** The variation of terrain from the horizontal; the number of feet (meters) rise or fall per 100 feet (30 480 mm) measured horizontally, expressed as a percentage.

**TREE CROWN.** The primary and secondary branches growing out from the main stem, together with twigs and foliage.

**UNENCLOSED ACCESSORY STRUCTURE.** An accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

**WILDFIRE.** An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

**WILDLAND.** An area in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

**WILDLAND-URBAN INTERFACE AREA.** That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

**P. WILDLAND URBAN INTERFACE AREAS.**

1. Declaration.

   The City of Island Park City Council hereby declares that the Wildland Urban Interface area for the City of Island Park shall be all lands situated in the corporate limits of the City of Island Park and in the City of Island Park designated Area of City Impact boundary.

The Wildland Urban Interface area map was adopted by the Mayor and City Council on October 23, 2014, by passage of Ordinance No. 14-126 and is hereby adopted by reference to this Ordinance. The boundary shall be the corporate limits of the City of Island Park, as may be hereinafter amended, from time to time, and shall include the Area of City Impact boundary as may be hereinafter amended, from time to time, to the extent that the City Council and the Fremont County Board of County Commissioners negotiate and mutually agree to the boundary and applicability of plans and codes. This map is available for public review and inspection at the office of the City Clerk during the regular business hours of the City.

Q. REQUIREMENTS:

1. Subdivisions:

a. Access. New subdivisions shall be provided with fire apparatus access roads in accordance with the International Fire Code and access requirements in accordance with this Appendix.

b. Water Supply. New subdivision shall be provided with water supply in accordance with this Appendix and Ordinance No. 18-156.

2. Individual structures. Individual structures shall comply with the following subsections:

a Access. Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the International Fire Code and driveways in accordance with the requirements of this Appendix. Marking of fire protection equipment shall be provided in accordance with the requirements of this Appendix and address markers shall be provided in accordance with the requirements of this Appendix.

b Water supply. Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with the requirements of this Appendix.

Exceptions:

1. Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table 503.1 of the International Wildland
Urban Interface Code as adopted by the City of Island Park by Ordinance No. 14-126 for a nonconforming water supply.

2. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m²).

**R. Existing conditions.** Existing buildings shall be provided with address markers in accordance with the requirements of this Appendix. Existing roads and fire protection equipment shall be provided with markings in accordance with the requirements of this Appendix.

**S. ACCESS**

1. **Restricted access.** Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or fire-fighting purposes, the fire chief is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the fire chief and shall contain keys to gain necessary access as required by the fire chief or other emergency medical personnel.

2. **Driveways.** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45 720 mm) from a fire apparatus access road.

3. **Dimensions.** Driveways shall provide a minimum unobstructed width of 12 feet (3658 mm) and a minimum unobstructed height of 13 feet 6 inches (4115 mm).

4. **Length.** Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet (60 960 mm) in length and less than 20 feet (6096 mm) in width shall be provided with turnouts in addition to turnarounds.

5. **Service limitations.** A driveway shall not serve in excess of two (2) dwelling units.

    **Exception:** When such driveways meet the requirements for fire apparatus access road in accordance with Section 503 of the *International Fire Code*.

6. **Turnarounds.** Driveway turnarounds shall have inside turning radii of not less than 30 feet (9144 mm) and outside turning radii of not less than 45 feet (13 716 mm). Driveways that connect with a road or roads at more than one point shall be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

7. **Turnouts.** Driveway turnouts shall be an allweather road surface at least 10 feet (3048 mm) wide and 30 feet (9144 mm) long. Driveway turnouts shall be located as required by the code official.
8. **Bridges.** Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be 80,000 pounds.

9. **Fire apparatus access road.** When required, fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet (6096 mm) and a clear height of 13 feet 6 inches (4115 mm); shall be designed to accommodate the loads and turning radii for fire apparatus; and shall have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.

10. **Marking of roads.** Approved signs or other approved notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof or both.

11. **Sign construction.** All road identification signs and supports shall be of noncombustible materials. Signs shall have minimum 4-inch-high (102 mm) reflective letters with 1/2 inch (12.7 mm) stroke on a contrasting 6-inch-high (152 mm) sign. Road identification signage shall be mounted at a height of 7 feet (2134 mm) from the road surface to the bottom of the sign.

12. **Marking of fire protection equipment.** Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the fire chief to prevent obstruction.

13. **Address markers.** All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. Address markers shall also comply with the requirements of Fremont County, whichever is more restrictive.

14. **Signs along one-way roads.** Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

15. **Multiple addresses.** Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.
16. **Single business sites.** Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

17. **Grade.** The gradient for fire apparatus access roads and driveways shall not exceed the maximum approved by the code official.

**T. WATER SUPPLY**

1. **General.** In addition to the requirements for new subdivision as is set forth in this appendix and Ordinance No. 18-156, the following shall also apply:

   a. **Multiple family residential structures.** New multiple family residential structures shall comply with the requirements of this appendix and Ordinance No. 18-156.

   b. **Commercial structures.** New commercial structures shall comply with the requirements of this appendix and Ordinance No. 18-156.

   c. **Public or non-commercial structures.** New public or non-commercial structures shall comply with the requirements of this appendix and Ordinance No. 18-156.

2. **Water supply.** When provided in order to qualify as a conforming water supply for the purpose of Table 503.1 of Ordinance No. 18-156 or as required for new subdivisions in accordance with Section Q, and Section T(8), an approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the wildland-urban interface area of the jurisdiction in accordance with this section.

   **Exception:** Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m2).

3. **Water sources.** The point at which a water source is available for use shall be located not more than 1,000 feet (305 m) from the building and be approved by the code official. The distance shall be measured along an unobstructed line of travel.

   a. Water sources shall comply with the following:

      1. Man-made water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with subsection 8 of this Section. This water source shall be equipped with an approved hydrant. The water level of the water source shall be maintained by rainfall, water pumped
from a well, water hauled by a tanker or by seasonal high water of a stream or river. The design, construction, location, water level maintenance, access and access maintenance of man-made water sources shall be approved by the code official.

2. Natural water sources shall have a minimum annual water level or flow sufficient to meet the adequate water supply needs in accordance with this Appendix. This water level or flow shall not be rendered unusable because of freezing. This water source shall have an approved draft site with an approved hydrant. Adequate water flow and rights for access to the water source shall be ensured in a form acceptable to the code official.

4. Draft sites. Approved draft sites shall be provided at all natural water sources intended for use as fire protection for compliance with this code. The design, construction, location, access and access maintenance of draft sites shall be approved by the code official.

5. Access. The draft site shall have emergency vehicle access from an access road in accordance with the requirements of this Appendix.

6. Pumper access points. The pumper access point shall be either an emergency vehicle access area alongside a conforming access road or an approved driveway no longer than 150 feet (45 720 mm). Pumper access points and access driveways shall be designed and constructed in accordance with all codes and ordinances enforced by this jurisdiction. Pumper access points shall not require the pumper apparatus to obstruct a road or driveway.

7. Hydrants. All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the code official.

8. Adequate water supply. Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:

   a. One- and two-family dwellings. The required water supply for one- and two-family dwellings having a fire flow calculation area that does not exceed 3,600 square feet (334 m2) shall be 1,000 gallons per minute (63.1 L/s) for a minimum duration of 30 minutes. The required water supply for one- and two-family dwellings having a fire flow calculation area in excess of 3,600 square feet (334 m2) shall be 1,500 gallons per minute (95 L/s) for a minimum duration of 30 minutes.

   Exception: A reduction in required flow rate of 50 percent, as approved by the code official, is allowed when the building is provided with an approved automatic sprinkler system.
b. Buildings other than one- and two-family dwellings. The water supply required for buildings other than one and two-family dwellings shall be as approved by the code official but shall not be less than 1,500 gallons per minute (95 L/s) for a duration of two hours.

Exception: A reduction in required flow rate of up to 75 percent, as approved by the code official, is allowed when the building is provided with an approved automatic sprinkler system. The resulting water supply shall not be less than 1,500 gallons per minute (94.6 L/s).

9. Obstructions. Access to all water sources required by this appendix shall be unobstructed at all times. The code official shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

10. Identification. Water sources, draft sites, hydrants and fire protection equipment and hydrants shall be clearly identified in a manner approved by the code official to identify location and to prevent obstruction by parking and other obstructions.

11. Testing and maintenance. Water sources, draft sites, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as required by the code official. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards.

12. Reliability. Water supply reliability shall comply with the requirements of this subsection and Section V, Standards.

a. Objective. The objective of this section is to increase the reliability of water supplies by reducing the exposure of vegetative fuels to electrically powered systems.

1. Clearance of fuel. Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with the requirements of Ordinance No. 18-156.

2. Standby power. Stationary water supply facilities within the wildland-urban interface area dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with Chapter 27 of the International Building Code, Section 604 of the International Fire Code, and NFPA 70 to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:
U. FIRE PROTECTION PLAN:

1. **General.** All new residential subdivisions, and all new commercial and industrial buildings or developments, shall prepare a fire protection plan.

2. **Content.** The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, *defensible space* and vegetation management.

3. **Review.** The fire protection plan shall be reviewed by the Fremont County Fire Authority or the Island Park Fire District, whichever is applicable, as part of the agency review process. Such review shall be in written form and will be made a part of the public record. No action shall be taken by the code official (Administrator) to schedule the Class II permit public hearing before the Hearings Examiner or City Council, as applicable, until the fire protection plan has been reviewed by the fire district and submitted to the code official. Such submittal shall be submitted to the fire district at least thirty (30) days before any application shall be scheduled. If no such submittal is received by the code official within the thirty (30) days, then it shall be assumed that the fire district has no comments.

4. **Cost.** The cost of fire protection plan preparation shall be the responsibility of the applicant. Also see Chapter III for additional requirements and fees for professional review.

5. **Plan retention.** The fire protection plan shall be retained by the code official as a permanent record in accordance with Idaho Code §74-01 et seq.
V. STANDARDS:

A. Vegetation Control:

1. Any new construction, alteration, moving, or change of occupancy or use of a habitable structure shall be required to establish a minimum fifty foot (50’) defensible space around the perimeter of any habitable structure. Property owners shall be responsible for maintaining the defensible space, unless such responsibility is transferred to another party through a binding contract or transfer of ownership of the property. The defensible space shall meet the following criteria:

a. Only single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a maximum height of four inches (4”), are allowed within the defensible space, provided any such plants do not form a means of readily transmitting fire. All other vegetation shall be removed from the defensible space.

b. All deadwood shall be removed from trees within the defensible space. Clusters or groups of trees shall be thinned such that the tree crowns do not overlap. Trees within the defensible space shall be pruned to remove all limbs located below six feet (6’) from the adjacent grade.

c. Tree crowns shall be pruned to maintain a minimum horizontal clearance of ten feet (10’) from any structure or outlet of a chimney.

d. Liquefied petroleum gas containers shall be located within the defensible space in accord with the applicable code as adopted by the state of Idaho.

e. Firewood and combustible material shall not be stored in unenclosed spaces beneath structures, on decks, or under eaves, canopies, or other projections or overhangs. All firewood and combustible material stored in the defensible space shall be located a minimum of twenty feet (20’) from structures and separated from the crown of trees by a minimum horizontal distance of fifteen feet (15’).

f. Agricultural structures, as herein defined, shall not be allowed within the defensible space.

g. All accessory structures within the defensible space must meet the fire resistive construction standards for structures as established by the City of Island Park building code.
h. If an abutting state highway, public street or approved private road meets the standards for the defensible space as set forth above, the width of such roadway shall be counted as part of the defensible space.

2. All areas adjacent to private roads and driveways shall be cleared of vegetation. Single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a maximum height of four inches (4"), are allowed, provided any such plants do not form a means of readily transmitting fire.

a. For driveways, all areas within five feet (5') of each side of the driveway shall be cleared.

b. For private roads, the area encompassed by the travelway plus five feet (5') on each side of the travelway, measured from the outside edge of the travelway, shall be cleared of all flammable vegetation.

3. All vegetation shall be cleared from within thirty one inches (31") of any above grade electrical distribution and transmission lines.

4. All vegetation shall be cleared from within ten (10) radial feet of any noninsulated energized electrical conductor and associated live parts. Cultivated ground cover (such as green grass, ivy, succulents, or similar plants), or native grasses and weeds trimmed to a maximum height of four inches (4"), are allowed provided any such plants do not form a means of readily transmitting fire.

5. For new driveways, new construction, or moving of structures on a site, the areas that require vegetation removal shall be located within the property boundaries. The Administrator may approve a lesser standard if one or both of the following findings can be made:

a. The property abuts a public or approved private road as set forth in subsection A1h of this section; and/or

b. Severe topographic or other site constraints exist that prohibit locating new construction to meet the specified standard.

6. For the purposes of this Appendix, the term "cleared" shall mean the removal of all vegetation with the following exception: single specimens of trees, ornamental vegetation, cultivated ground cover (such as green grass, ivy, succulents, or similar plants), and native grasses and weeds trimmed to a maximum height of four inches (4"), are allowed provided any such plants do not form a means of readily transmitting fire.
7. It is not the intent of this section to require an owner to relocate existing habitable structures, driveways, or utilities, nor to require an owner to remove vegetation from an abutting property.

B. Private Roads:

1. Vehicular turnouts for emergency vehicles shall be required on all new private roads. Such turnouts shall be spaced at a maximum interval of seven hundred feet (700') and shall be a minimum of eight feet (8') wide and thirty feet (30') long. Road construction and vehicular turnarounds shall meet the private road standards of this Appendix. Driveways that meet turnout standards shall be counted as turnouts, provided they are a minimum of twenty feet (20') wide and thirty feet (30') long.

2. Maintenance of the private road shall include vegetation control as specified in subsection A of this section.

C. New Subdivisions, multiple family structures, commercial and industrial developments, and public and non-commercial structures.

1. Fire hazards and emergency access roads shall be evaluated by a licensed fire professional engineer retained by the applicant to determine site specific hazards and proper accessibility for emergency vehicles. The licensed professional fire engineer shall also prepare a fire protection plan that is specifically tailored to the proposed subdivision or commercial development and shall consist of the following:

   a. Completed fire hazard severity form from the current City adopted international urban-wildland interface code, appendix C, using nationally recognized standards;

   b. A fire protection plan map showing the roadway, turnouts, turnarounds, terminus and lots;

   c. Determination of fuel model loading;

   d. Required signage for turnouts, turnarounds and fire lane parking;

   e. Required number and placement of turnouts based on development density and roadway width;

   f. Requirements for fire resistance rated construction; and

   g. Required road width or required interconnected system of roadways and fire accesses.
X. ALTERNATIVE MATERIALS OR METHODS.

1. The code official, in concurrence with approval from the fire chief, is authorized to approve or recommend approval, of alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the purpose and applicability of this Appendix and that the alternative is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this Appendix.

2. Approvals under the authority herein contained shall be subject to the City adopted International Building Codes whenever the alternate material or method involves matters regulated by the International Building Code. The code official shall require that sufficient evidence or proof be submitted by the applicant to substantiate any claims that may be made regarding its use.

3. The evidence or proof submitted by the applicant of the proposed alternative materials or methods and the details of any action granting approval, conditional approval, or denial, of an alternate shall be entered in the applicable planning and building files of the City and shall be part of the public record.

4. The burden of proof rests solely with the applicant.

Y. PROHIBITED USES:

None listed.
Appendix G

Reserved
APPENDIX H
PLANNED COMMUNITY REGULATIONS

PURPOSE:

The purpose of this appendix is to provide processes and development standards for the
development of planned communities to allow urban type development both in the corporate
limits of the City and/or in the Area of City Impact.

APPLICABILITY:

This chapter applies to development of planned communities in the City and/or in the Area of
City Impact.

DEFINITION: A Planned Community is a residential development consisting of six (6) or more
lots and/or residential units; or a mixed-use development including residential, commercial
and/or industrial development containing more than twelve thousand (12,000) square feet of
gross floor area.

PROCEDURES

An application for a Planned Community shall be considered an application for a comprehensive
plan land use map amendment and development code official zoning map amendment and shall
follow the application procedures and public hearing procedures as set forth in Chapter III.

A. Required Findings: In addition to the required finding as set forth in Chapter III, the City
Council shall make the following finding that the specific plan:

(1) Is consistent with the goals, objectives and policies of the Comprehensive Plan, with
particular emphasis placed upon those polices related to diversity of housing; mixing and
integration of uses; level of service provision; provisions of open space; protection of plant and
wildlife habitats and migration corridors; wetlands; streams, lakeshores, ponds, wetland
corridors, and other water bodies; and protection of slopes and unstable slopes.

(2) Is compatible with surrounding development and properly integrates land uses and
infrastructure with adjacent properties;
3) Includes adequate provisions for utilities, services, roadway networks and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems; and

(4) Will enhance the potential for superior urban design and land use in comparison with development under the base district provisions that would apply if the specific plan were not approved.

B. **Comprehensive Plan Designation**: A Planned Community district shall be noted on the comprehensive plan land use map by the designation "PC," followed by the number of the PC based on order of adoption.

C. **Zoning Map Designation**: A Planned Community district shall be noted on the zoning map by the designation "PC," followed by the number of the PC based on order of adoption. The PC shall be an overlay zoning district.

**URBAN PUBLIC SERVICE LEVEL STANDARDS:**

The planned community plan shall describe how urban public services and additional public services at the service levels identified below will be provided in the planned community.

A. **Minimum Urban Public Service Level Standards**: Each planned community shall provide all of the following categories of urban public services for:

1. roads (public and private);
2. power (electricity);
3. telephone (including broadband access);
4. water (domestic and fire fighting);
5. wastewater;
6. schools;
7. open spaces (including plant and wildlife protection, and developed and natural open space); and
8. fire protection and emergency medical services.

B. **Additional Service Standards**: Each planned community must address the following categories of additional services:

1. Workforce housing; and
2. Seasonal and permanent workforce housing.

C. **Waiver**: The City Council may waive or alter one or more of the public service standards in this section on a case by case basis.
APPLICATION SUBMISSION STANDARDS:

A. Purpose: To analyze the existing conditions of the site and regional impacts from the proposed development to determine the appropriateness of the location and the feasibility of the development’s success; to plan for and ensure the availability of urban public services; and, if needed, an amendment to the City comprehensive plan text and/or future land use map specific to the subarea.

B. Process: All requests to amend the City comprehensive plan shall follow the application and public hearing procedures of Chapter III.

C. Additional Application Requirements: The applicant shall submit the following analyses, reports and reviews supporting the proposed planned community:

1. Population: A population analysis of pertinent historical and future trends of the area, the City of Island Park, CCD 9701, as identified by the US Census Bureau, and Fremont County as context for the proposed planned community, including such characteristics as total population, household population, household size, household income, age, and gender. The analysis shall include at a minimum:

   a. A written assessment of population and household demographic trends as a determinant of planned community design;

   b. A written assessment of population and household growth projections including consideration of established regional or state projections utilized for public planning purposes; and

   c. A written assessment demonstrating the adequacy of the location and proposed land uses of the planned community in accommodating demonstrated population household and demographic growth trends.

2. School Facilities And Transportation: An analysis of public school capacity and associated transportation considerations for the proposed planned community. The analysis shall be developed in coordination with the Fremont County school district and shall include at a minimum:

   a. A determination of the school district that will provide public education services to planned community residents;

   b. A written assessment describing potential school enrollment generated by the planned community including detail of elementary, middle and high school enrollment consistent with enrollment projection standards of the school district;
c. A written assessment describing public school facility needs, if any, within the planned community as a result of anticipated enrollment generated by the planned community consistent with capital facilities planning standards of the school district; and

d. A written assessment describing public school student transportation needs, if any, from the planned community to school facilities off site consistent with student transportation standards of the school district, the public school capacity and transportation.

3. Economic Development: An analysis of the economic base of the area, including, employment, industries, economies, jobs, and income levels. The analysis shall include at a minimum:

   a. A written assessment demonstrating that the planned community is reasonably supported by economic and market conditions in the City, US Census Bureau Census Tract 9701, and Fremont County. This assessment shall include conceptual information about the following:

      1. Projected dwelling unit counts, build out/absorption and occupancy in the context of regional growth trends, identified demographic trends and competing development;

      2. Likely residential product types, including work force housing, and price ranges in current dollars suitable for development within the planned community as a function of planned community location and physical features, anticipated market conditions, and likely demographics as identified in the population section;

      3. Planned mixed use building/gross space, if any, and anticipated build out/absorption in the context of regional growth trends, residential development at the planned community, and locational features including transportation and access; and

      4. Planned commercial and industrial buildings/gross space, if any, and anticipated build out/absorption in the context of regional growth and industry trends, and locational features including transportation and access; and

      5. Written assessment of current dollar costs associated with both private and public infrastructure and facility improvements required to provide urban public services to the site broken out into private and public categories, which may contribute to an increased cost in providing urban public facilities and urban public services.

4. Land Use: An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreations, housing, commerce, industry, and public facilities. Proposed general
land uses shall be developed consistent with the natural resource inventory analysis. The analysis shall include at a minimum:

a. A map depicting existing land uses and zoning within one mile of the proposed planned community boundary (including interior boundaries, if any);

b. A written assessment describing the general categories of existing land uses and zoning within one mile of the proposed planned community boundary (including interior boundaries, if any);

c. A map depicting proposed general land uses and densities within the proposed planned community and within one mile of the proposed planned community boundary (including interior boundaries, if any), including intensity of nonresidential uses, and developed and natural open space. Land uses and densities outside of the planned community boundary shall be based on existing land uses and the future land use designations of the comprehensive plan; and

d. A written assessment describing the general categories of proposed land uses within the proposed planned community and within one mile of the proposed planned community boundary (including interior boundaries, if any) including conceptual intensity of nonresidential uses, net density and potential impacts to adjacent properties as a result of the proposed land uses.

e. The planned community's internal roadway network and connectivity to the regional transportation system shall be designed to conform to Idaho transportation department's (ITD) and Fremont County's Official Road Map, and current access management policies and corridor studies. Cross access easements shall be provided to adjacent properties when determined necessary by the City, Fremont County, and/or ITD.

f. The planned community's internal trail and pathway network and connectivity to the regional trail and pathway system shall be designed to conform to the Fremont County parks, open space and trails plans, and State and/or federal (US Forest Service or BLM) recreation plans.

5. Natural Resources And Wildlife Inventory: An analysis including the uses of rivers and other waters, forests, range, soils, harbors, fisheries, minerals, thermal water, beaches, watersheds, and shorelines, and an analysis of existing plant, wildlife, and habitat conditions. The analyses shall include at a minimum:

a. Natural Resources Inventory:
i. A resources inventory analysis required by Chapter III(K) of this ordinance;

ii. A map depicting, and a written assessment of, the following: topography; wetlands; soils from the most recent soil survey information; prime agricultural land; mineral resources; and rivers, streams, lakeshore, ponds, wetland and wetland corridors, and other water bodies; plant and wildlife habitat and migration corridors; and

iii. A written assessment of the effect the planned community will have on the source, quantity and quality of ground and surface water in the area.

b. Plant and Wildlife Habitat Inventory:

i. Aerial photography of sufficient quality and scale to show land unit boundaries, geological features, vegetation types, creeks, riparian areas and wetlands, roads, trails and other landscape features;

ii. A map prepared in consultation with Idaho department of fish and game, generally depicting and a written assessment (including methodologies used) of the following:

(A) Site resources including vegetation/habitat types (including noxious weeds), and wildlife;

(B) Existing vegetation condition based on ecological site descriptions (ESD) from the latest version of the "Indicators Of Rangeland Health" from the Natural Resources Conservation Service (NRCS), US Department of Agriculture;

(C) Special status plant and wildlife species and threatened and endangered species based on Idaho fish and game conservation data, and United States department of interior fish and wildlife service information;

(D) Both current and potential use of big game winter range, based upon Idaho department of fish and game (IDF&G) data, US Forest Service data, and Bureau of Land Management data. Site specific surveys may be used to supplement the above data;

(E) Structure and function of existing wildlife habitats, including connectivity, habitat fragmentation, and wildlife corridors;

(F) Priority habitat based upon the Idaho comprehensive wildlife conservation strategy or US Bureau of Land Management and/or US Forest Service managed federal lands, the species lists shall be cross referenced with the respective agency lists; and
(G) Existing human disturbance to wildlife and habitat as a result of livestock, transportation, recreation, agriculture and development within a minimum of one mile of the planned community boundary.

6. Hazardous Areas: An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snow slides and avalanches, floodplain and wildfire hazards. The analysis shall include at a minimum a map and written assessment of known hazards.

7. Wildland Urban Interface. An analysis showing plans for compliance with Appendix D of this ordinance.

8. Urban Public Services And Urban Public Facilities: An analysis showing general plans for urban public services and urban public facilities. The plan may also show locations of civic centers and public buildings. The plan shall be developed in coordination with the affected public service providers and regulatory agencies. The plan shall include, at a minimum:

   a. A map depicting existing urban public services and urban public facilities within one mile of the proposed planned community boundary;

   b. A written assessment of existing urban public services and urban public facilities within one mile of the proposed planned community boundary, including availability and adequacy to serve the proposed land uses and population, and a description of the impacts to existing levels of service as a result of such utilization;

   c. A map depicting proposed urban public services and urban public facilities projected to serve the proposed land uses and population including conceptual location, distribution, extent and intensity of such, including major system components and any projected additions and/or extensions to existing urban public services and urban public facilities;

   d. A written assessment of proposed urban public services and urban public facilities including availability and adequacy to serve the proposed land uses and population, the projected location, distribution, extent and intensity of such, including major system components and any projected additions, extensions and improvements to existing urban public services and urban public facilities;

   e. A written assessment of water rights detailing the applicability and availability of such, including a description of any applications and/or permits that are required by the Idaho department of water resources; and
9. Transportation: An analysis of impacts to the regional transportation system resulting from the proposed land uses and population prepared in coordination with, as applicable, the Idaho transportation department, and any other local jurisdiction(s) having authority over the public highways and streets materially affected by the planned community. The traffic impact study shall be submitted to ITD prior to submission of the planned community application to the Administrator. If no such response is received from ITD by the Administrator within the thirty (30) days after submittal, then it shall be assumed that IDT has no comments.

10. Recreation: An analysis showing the existing system of recreation and natural and developed open space areas, including parks, parkways, trailways, riverbank greenbelts, public access point to river and other public lands, playgrounds, and other recreation areas and programs within one mile of the boundaries of the proposed planned community subarea comprehensive plan area. The analysis shall include at a minimum:

   a. A map depicting existing public recreation, open space areas, parks and trails;

   b. A written assessment of existing public recreation, open space areas, parks, trails and programs;

   c. A map of proposed conceptual, natural and developed open space, or a reference to the land use section of the planned community comprehensive plan; and

   d. A written assessment of proposed conceptual natural and developed open space and programs, or a reference to the land use section of the planned community comprehensive plan.

10. Special Areas Or Sites: An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, plant, wildlife, wildlife corridors, visually sensitive areas, or areas of scenic significance. The analysis shall include at a minimum a written assessment and map of those sites and areas of significance.

11. Housing: An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for affordable and low cost conventional housing, and workforce housing. The analysis shall be developed in accordance with this Appendix and shall include at a minimum a written assessment including:

   a. Housing conditions and needs within the region (within the corporate limits of the City of Island Park, US Census Bureau Census Tract 9701, and Fremont County);
b. Housing options, including single-family, multi-family, condominiums, apartments, live/work, mixed use units, affordable and low cost conventional housing, and workforce housing; and

c. A discussion of how the planned community will provide for the housing needs of the projected population, as identified in this Appendix.

12. Community Design: A clear description of the vision of the desired future state of the planned community that provides direction for strategic planning. A general description of the regulations that will be created and utilized for the control of landscaping, building design, tree planting, signs, and suggested patterns and standards of community design, development and beautification. The analysis shall be developed in consideration of the vision of the planned community comprehensive plan and shall include at a minimum:

   a. A written assessment of the above referenced items in subsection 12; and

   b. Illustrative examples of the proposed vision for the community.

13. Planned Community Professionals. Include specific requirements and minimum experience.

   a. Qualifications: All technical reports and recommendations shall be prepared under the supervision of and signed by a qualified expert in each relevant field based on the following qualifications:


      2. Economist: A professional who demonstrates experience in community development, land use, and/or public administration, specifically with regard to land development feasibility, public services provision, public finance policy, and the economic and fiscal impacts of private development. A graduate degree in economics, public finance, or public administrations and at least 7 years of experience; or a bachelor’s degree in economics, public finance, or public administration and at least ten (10) years of experience or a bachelor’s degree and at least fifteen (15) years experience;

      3. Planner: A professional who has engaged in professional planning, either currently or in the past, as defined by the American Institute of Certified Planners (AICP), and who has completed a graduate degree in planning, from a program accredited by the planning accreditation board (PAB), plus 2 years of professional experience; or a bachelor’s degree in planning, from a PAB accredited program, plus 3 years of professional experience; or and other postgraduate, graduate, or undergraduate degree plus 4 years of professional planning experience; or no college degree plus eight years of professional planning experience.

      4. Transportation: A professional traffic engineer licensed in the State of Idaho.
5. Historical and Cultural Resource Findings: Archaeologists, history and architectural history consultants with submitted documentation that they have demonstrated that they meet the Secretary of the Interior’s 36 CFR 61 qualifications.


7. Wildlife Habitat Mitigation Plan and Habitat Analysis: A professional whose experience demonstrates considerable knowledge of planning and conducting field research for wildlife habitat projects, and formulating specific plans to mitigate wildlife habitat impacts. For the wildlife component, a graduate degree in wildlife biology or a closely related field and at least two years of experience; or a bachelor’s degree and at least 4 years of experience; or a bachelor’s degree and at least 8 years experience. For the vegetation component, a graduate degree in botany, plant ecology, or closely related field and at least 2 years of experience; or a bachelor’s degree in botany, plant ecology, or closely related field and at least 4 years of experience; or a bachelor’s degree and at least 8 years of experience.

8. Wetlands: A professional engineer licensed in the State of Idaho or a certified wetlands specialist who is a qualified person who has demonstrated appropriate expertise and training in wetlands issues and experience performing delineations, analyzing wetland functions and values, and analyzing wetland impacts or similar disciplines.


10. Revegetation: A licensed landscape architect whose experience demonstrates considerable knowledge in the implementation and execution of slope stabilization, revegetation projects, and vegetation management in the climate types of the Island Park Area; and

11. Groundwater: An individual or entity identified on the Department of Environmental Quality (DEQ) environmental consulting firms list (available on the DEQ website) or a hydrologist with technical background and experience in planning, conducting, and coordinating complex hydrologic studies in groundwater modeling and analysis.

14. Digital Submissions:

   a. Digital submissions, in a format approved by the Administrator, shall accompany all paper submissions; and
   b. Digital mapping shall be formatted to be compatible with the Fremont County's geographic information system.
APPENDIX I

HILLSIDE DEVELOPMENT STANDARDS

A. PURPOSE:

1. To provide the maximum in public safety and welfare in the development and design of building sites, roadways, and other service amenities;
2. To preserve and enhance the hillside landscape by encouraging the maximum retention of natural features, such as drainage swales, streams, slopes, ridgelines, crests of hills, visually sensitive areas, scenic rock outcroppings, vistas, and natural formations;
3. To provide safe ingress and egress for vehicular, bicycle, and pedestrian traffic to and within the hillside areas, while at the same time minimizing the scarring effects of hillside development; and
4. To use to the fullest extent, the current understanding of the planning, design, and engineering professions and the natural sciences including botany, biology, ecology, soils and geology, to mitigate potential hazards, and to enhance the existing and future appearance and resources of the hillsides.

B. APPLICABILITY:

1. Except for as allowed in subsection (C) of this appendix, the regulations of this Appendix shall apply to any grading, filling, clearing, or excavation of any kind where either of the following is present:
   
   A. Slopes that exceed fifteen percent (15%);
   B. Adverse conditions associated with slope stability, geologic instability, erosion, or sedimentation; and/or
   C. Stream, lakeshore, ponds, wetlands, and wetland corridors, and riparian area.

C. EXEMPTION:

1. Trail development that does not exceed five feet (5') in width and that does not exceed three feet (3') cut or three feet (3') fill shall be exempt from the provisions of this Appendix; and
2. Roads, utility transmission corridors, utility easements but the number and width of such crossings shall be minimized. Regardless of any exemption allowed in this subsection, adequate drainage shall be provided.

D. APPLICATION REQUIREMENTS:

1. Application: An application as associated fees, as set forth in Chapter III, shall be submitted to the Administrator on forms provided by the Administrator.

2. Preliminary Grading Plan: The preliminary grading plan shall be designed to ensure that the properties within the development are able to conform to the requirements of a final grading plan as set forth in this appendix. The following items shall be included in the preliminary grading plan:

   a. Contour lines at five foot (5') intervals;
   b. The location of all proposed or existing structures and roads;
   c. Any areas of cut or fill;
   d. Any areas with characteristics listed in subsection A(2) of this Appendix;
   e. A written narrative indicating how the proposed design complies with the purpose statement of this appendix.

3. Slope Stabilization And Revegetation Plan And Report: A professional engineer registered in the state of Idaho or licensed landscape design professional shall prepare the slope stabilization and revegetation plan. The report shall include a complete description of the existing soils, existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted, soils amendments and pH adjustments, and slope stabilization measures to be implemented. The plan shall include an analysis of the environmental effects of such operations including the effects on slope stability, soil erosion, water quality, and fish and wildlife.

4. Engineering Hydrology Report: A professional engineer registered in the state of Idaho shall complete an engineering hydrology investigation and report. This individual should be experienced and knowledgeable in the science of hydrology and in the techniques of hydrologic investigation. This report shall include the following information:

   a. An adequate description of the hydrology of the site, conclusions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed. The report shall include results of field investigations of the site, unless
existing information is determined by the Administrator to be sufficient to satisfy the purpose of this Appendix.

b. Flood frequency curves shall be provided for the area proposed for development, if required.

5. Soils Engineering Report: Any area proposed for development shall be investigated to determine the soil characteristics. This report shall include the following information:

a. Data regarding the nature, distribution, strength, pH, and nutrients of the soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinion and recommendations covering the adequacy of sites to be developed. The report shall include results of field investigations of the site.

b. The investigation and report shall be completed by a professional engineer registered in the state of Idaho. This individual should be experienced and knowledgeable in the practice of soils mechanics.

c. Recommendations included in the report shall be incorporated into the design plan and specifications.

6. Engineering Geology Report: Any area proposed for development shall be investigated to determine its geological characteristics. This report shall include the following information:

a. A description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and the opinions and recommendations covering the adequacy of sites to be developed. The report shall include results of field investigations of the site, unless existing information is determined to be sufficient to satisfy the purpose of this Appendix.

b. The investigation and report shall be completed by either a professional geologist registered in the state of Idaho or by a professional engineer registered in the state of Idaho. This individual should be experienced and knowledgeable in the principles and practices of engineering geology.

c. Any area in which the investigation indicates geologic hazards shall not be developed unless the project engineer can demonstrate conclusively, based on the required engineering reports, that these hazards can be overcome in such a manner as to prevent hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or waterway, and adverse impacts on the natural environment.
d. Recommendations included in the report shall be incorporated into the design plan and specifications.

7. Visual Impact Report: A visual impact report shall be prepared by a licensed design professional and shall be submitted with the development application. The report shall include the following information:

   a. Visually Sensitive Areas are defined in Chapter X and shown on the Visually Sensitive Area Overlay Maps as set forth in Chapter IV.
   b. The view from key vantage points along public roadways or public viewing areas that depict the existing view (prior to development) and the proposed view (after development).
   c. The proposed screening methods which shall include, but not be limited to: architectural design, designated building envelopes, height restrictions, landscaping, fencing, construction materials, and colors.
   d. The existing vegetation and the proposed method of preserving and/or replacing such vegetation.
   e. A statement detailing how the proposed development or subdivision minimizes grading through careful site and roadway design.

8. Other Pertinent Data: Any other pertinent data deemed necessary by the engineer of record or by the Administrator, after consulting with the engineer of record, to satisfy the stated purpose of this Appendix and that is reasonably related to the health, safety, and welfare of the general public and persons who might purchase the property being developed.

E. PROCESS:

1. The preliminary grading plan, prepared by the engineer of record, shall be submitted with the development application. The City Council may hire a professional(s) to review and make recommendations to the City as provided for in Chapter III.
2. Upon review of the study or studies, the Administrator shall apply the standards listed in this Appendix and the required findings listed in this Appendix to determine whether or not to approve, approve with conditions, or deny the preliminary grading plan.
3. No grading, filling, clearing, or excavation of any kind shall be initiated until the preliminary grading plan is approved by the Administrator, and the development has received final approval by the decision making body. For subdivisions and subdivision improvements, City Council approval of the preliminary plat is deemed the final approval.
4. When required by the Administrator, special inspections and special testing shall be performed to verify conformance with this Appendix. The cost of such special inspections and special testing shall be borne by the applicant.

F. STANDARDS:

1. General Standards:

   a. Construction shall be scheduled to minimize soil disturbance between November 1 and May 1.
   b. The Administrator may require the grading operation and/or project schedule be modified if delays occur which result in weather generated problems not anticipated at the time approval was granted.
   c. All development shall take into account land use planning, soil mechanics, engineering geology, hydrology, civil engineering, the environment, architectural and landscape design, and related disciplines as applied to hillside areas.

2. Development of Special Hazard Areas: Any area that presents one or more of the following limiting factors shall not be permitted to develop unless the engineer of record can demonstrate to the county engineer, based on the required engineering reports, that these limitations can be overcome in such a manner as to prevent hazard to life, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel, and adverse impact on the natural environment:

   a. Landslide areas or scarps, or areas of active landslides;
   b. Lines of active faults;
   c. Soils with a high shrinkage-expansion potential and hydro-compactible soils;
   d. Soils with unified classification of ML, CL, OL, MH, CH, OH, and Pt as listed in American Society for Testing and Materials (ASTM);
   e. Natural slopes greater than fifteen percent (15%);
   f. Water table within six feet (6') of the surface at any time of the year; and
   g. Any area of hydrologic hazard as determined by the engineering hydrology report.

3. Vegetation:

   a. Vegetation shall be removed only when absolutely necessary, such as for the construction of structures, filled areas, roadways, firebreaks, or as required by the Development Code;
   b. Every effort shall be made to conserve topsoil that is removed during construction for later use on areas requiring revegetation or landscaping, e.g., cut and fill slopes;
c. Vegetation or a chemical or mechanical stabilization method sufficient to stabilize the soil shall be established on all disturbed areas, except for proposed rights of way, as each stage of grading is completed. Areas not contained within property boundaries shall be protected with adapted, fire resistant species of perennial vegetative cover after all construction is completed; and
d. New plantings shall be protected with organic cover unless determined not to be necessary in the slope stabilization and revegetation plan and report.

4. Grading And Stabilization:

a. All retaining walls with a total vertical height of four feet (4') or more, including footing, shall be designed in accord with the regulations of the City building code;
b. All slopes that are stabilized by mechanical or chemical means shall conform to the surrounding terrain and shall be given aesthetic treatment that is consistent with the purpose of this Appendix;
c. Large tracts shall be divided into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period; and

d. All disturbed soil surfaces shall be stabilized or covered prior to November 1. If the planned impervious surfaces (e.g., roadways, driveways, etc.) cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.

5. Hydrologic Controls:

a. Roadway and appurtenant roadway drainage facilities shall be designed to control roadway runoff to such a point that it is contained within the natural watercourse system;
b. Watercourses shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
c. Any material from construction, including soil and other material, shall not be deposited within any floodway or watercourse;
d. Hydraulic structures in major watercourses shall be designed for the 100-year flood. In minor watercourses, such structures shall be designed for the 50-year flood; and

e. With the exception of roadway crossings, approved drainage structures, and recreation and open space uses that do not involve the destruction of vegetative cover, development shall be prohibited within the 100-year floodplain for major watercourses, and the 50-year floodplain for minor watercourses.
6. Sediment:

a. Sediment catchment ponds shall be constructed and maintained by the owner at the downstream property line of each development or at other appropriate locations to protect downstream properties and watercourses from the adverse impacts of sediment generated on site due to development construction work. All sediment catchment ponds shall be designed to provide a minimum of forty five (45) minutes' detention time at a velocity not greater than two feet (2') per second and shall provide for the removal of surface debris and surface contaminants;

b. The overall drainage system shall be completed and made operational at the earliest possible time during construction. No certificate of occupancy shall be issued on the property until the drainage system is complete;

c. Alterations of major watercourses shall be prohibited, except for approved roadway crossings and drainage structures;

d. Natural or improved open channels shall be preserved, or provided for, in watercourses, except that at roadway crossings, conduits may be permitted;

7. Roadways And Circulation:

a. Roadway alignments shall be designed to create the minimum feasible amounts of land coverage and the minimum feasible disturbance of the soil;

b. Roadway alignments shall be designed to minimize removal of existing deep rooted perennial vegetation;

c. Roadway alignments shall be designed to follow natural terrain;

d. The width of the graded section shall extend five feet (5') beyond the travel right of way line on both the cut and fill sides of the roadway for slope rounding purposes. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus five feet (5') beyond the sidewalk;

e. Combinations of collective private driveways, cluster parking areas, and on street parallel parking bays shall be used where possible to attempt to optimize the objectives of minimum soil disturbance and minimum impervious cover;

f. Approval of the applicable transportation authority is required for publicly dedicated streets; and

g. Paving, if allowed, shall commence within ninety (90) days of approval and shall be completed within thirty (30) days of any building permit being issued.

8. Alternatives: The Administrator may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Appendix and shall not be detrimental to the public health, safety, or welfare.
9. Maintenance: The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved subject to the regulations of this Appendix shall maintain in perpetuity and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures, means, and devices not subject to the jurisdiction of the applicable transportation authority, and plantings and ground cover installed or completed. Such requirements shall be incorporated into the protective covenants for a subdivision and the conditions of approval for development applications.

G. REQUIRED FINDINGS:

1. The site is physically suitable for the design and siting of the proposed development. The proposed development shall result in minimum disturbance of hillside areas;

2. The grading and excavation proposed in connection with the development shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring, or any other geological instability or fire hazard that would adversely affect the public health, safety, and welfare;

3. Areas not suited for development because of soil, geology, vegetation, or hydrology limitations are designated as open space;

4. Disruption of existing native vegetation and wildlife habitat is minimized; and

5. The proposal sets forth sufficient and adequate mitigation for the identified visual impacts beyond the normally expected impact of hillside development.

H. WAIVER OF STANDARDS:

1. The Administrator, has the authority to grant a waiver if the engineer of record can demonstrate conclusively that any of the standards required by this Appendix are not necessary in the proposed development, and that the omission of such requirements would not result in any of the following:

   a. Hazard to life or limb;
   b. Hazard to property;
   c. Adverse effects on the safety, use, or stability of a public way or drainage channel; and
   d. Adverse impact on the natural environment.
2. The request for a waiver of standards shall be in writing and shall state the reason for the request. The justification for the waiver shall be based on the engineering reports required in this Appendix.

I. ENGINEER OF RECORD RESPONSIBILITIES:

1. To ensure that the intent of this Appendix is attained through the principles and practices of civil engineering, the applicant shall retain a professional engineer currently registered in the state of Idaho to serve as the engineer of record.

2. It shall be the responsibility of the engineer of record:

   a. To prepare the preliminary grading plan;
   b. To incorporate into the grading plans all recommendations contained in the soils, geology and hydrology reports, and the slope stabilization and revegetation plan and other reports as required in this Appendix;
   c. To inspect and certify all work within the project;
   d. To act as coordinating agent for liaison between other professionals, the owner, and the Administrator; and
   e. To prepare any revised plans and to submit an as-built record to the Administrator upon the completion of the project.

3. Prior to and during grading operations, the engineer of record shall submit all necessary reports, compaction data, soils, geology and hydrology recommendations to the Administrator.

4. If, in the course of fulfilling the specified responsibilities, the engineer of record discovers that the work is being accomplished to a substantially lesser standard than required by this Appendix or by the approved final grading plan, the noncompliance shall be reported in writing to the Administrator within three (3) working days with recommendations for corrective measures, if applicable. The Administrator may require corrective action within a specified period of time. If any deficiency is deemed by the Administrator to be an imminent threat to the public health, safety, or welfare, that work shall be stopped immediately until such deficiencies are corrected.

5. If the engineer of record, the soils engineer, the geologist, the professional landscape architect, or the hydrologist of record is replaced during the course of work, the work shall be stopped. Work may resume when the replacement individual has agreed to accept the responsibility for certifications of the work within the areas of their individual technical competence.
6. In the event work is stopped during inclement weather, all open, and/or unfinished work on the project shall be protected to the satisfaction of the Administrator.

7. At the conclusion of the approved work, the engineer of record shall submit a report and as-built drawings to the Administrator stating that the work has been executed in compliance with the approved plans. The report shall have the signature and professional seal of the engineer of record.
APPENDIX J
CONTENTS OF PLATS

A. Content of Preliminary Subdivision Plats:

1. Preliminary Plat Part of Application: A preliminary plat is one part of the final application for a Class II permit to subdivide, and shall accompany the official application form and all other materials required for a complete application.

2. Cover Entire Area: Preliminary plats shall cover the entire area to be developed by one owner or a group of related or associated owners, even when it is anticipated that development will be phased or occur in multiple subdivisions over several years. An application for a subdivision permit may be recommended for denial and/or denied solely because it covers insufficient area.

3. Content of Preliminary Plats: Preliminary plats shall include:

   a. A title block showing the name and date of the proposed subdivision, its location by quarter section, section, township, range, principal meridian, city, county, state and street address;

   b. The name, address, and registration number of the engineer who provided engineering services and the land surveyor who prepared the preliminary plat;

   c. A north point and both graphic and written scale;

   d. A vicinity map that locates the proposed subdivision within the section and shows major roads and watercourses adjacent to or near the subdivision; and the boundaries of and recorded names of all adjacent or nearby subdivisions;

   e. The location, nature and boundaries of all existing public rights-of-way and public or private easements in or adjacent to the proposed subdivision, including the county book and page number references to the instruments establishing those rights-of-way or easements;
f. The location and size of all existing utility lines in or adjacent to the proposed subdivision;

g. The exterior boundaries of the proposed subdivision;

h. The location, exterior dimensions, and number of proposed lots and blocks, or other parcels created by the subdivision;

i. The square footage or acreage of each proposed lot, and a table showing the total acreage of the area proposed for the subdivision, the total acreage in lots the total acreage in streets, and the total acreage of parcels proposed for dedication to public use or to be held in common by the lot owners;

j. The names of all proposed streets and widths and boundaries of all proposed street rights-of-way and utility easements;

k. The location of all irrigation structures, watercourses and wetlands within or adjacent to the proposed subdivision;

l. A statement of whether or not the proposed subdivision is in an irrigation entity as required by Idaho Code §31-3805; If in an irrigation entity, a statement of approval by the City Council as is required by Idaho Code §31-3805.

m. The location of any visually sensitive areas, critical wildlife areas, and any stream corridor setback lines established by this ordinance; and

n. Any other information required by this ordinance.

B. Content of Final Plats: All final plats submitted shall be prepared in compliance with Chapter 13, Title 50 of the Idaho Code, as amended, and shall include all information listed below;

1. A title block showing the name and date of the subdivision and its location by quarter-quarter section, quarter section, section, township, range, principal meridian, city, county, and state;

2. The name, address, and registration number and seal of the Idaho licensed engineer who performed engineering services and the Idaho licensed land surveyor who prepared the plat and the surveyor’s certification that the plat is accurate, and that the monuments described in it have been located and/or established as described;

3. A north point and both graphic and written scales;
4. A vicinity map that locates the proposed subdivision within the section and shows major roads and watercourses adjacent to or near the subdivision: and the boundaries of and recorded names of all adjacent or nearby subdivisions;

5. The point of beginning for the subdivision survey, which shall be tied to a section or quarter section corner;

6. The location and description of all existing monuments found during the course of the survey;

7. The location, nature, and boundaries, with bearings and distances, of all existing public rights-of-way and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those rights-of-way or easements;

8. The exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;

9. The location, exterior dimensions, and number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries;

10. The location and description of all monuments established during the course of the survey;

11. The location, of any visually sensitive areas, critical wildlife areas, and any stream corridor setback lines established by this ordinance.

12. The acreage of each lot, and a table showing the total acreage of the subdivided area, the total acreage in lots, the total acreage in streets, and the total acreage on any parcels dedicated to public use or held in common by the lot owners;

13. The names of all streets and widths and boundaries of all street rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;

14. A signed and dated owner’s certificate which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all public ways and other public spaces to public use;

15. A public notary’s acknowledgement of the owner’s certificate;

16. A signed and dated certificate of consent in which all mortgagors, lien holders, and other parties with any real property interest, including holders of mineral rights, in the property consent to its subdivision;
17. A public notary’s acknowledgement of the certificate of consent;

18. A certificate for signature by the County Assessor and County Treasures, stating that the plat properly describes the property being divided and that all real property taxes due on the land being subdivided have been paid;

19. Certificate of plat approval by the Planning and Zoning Commission; and City Council and Attest of the City Clerk;

20. A statement of “sanitary restriction”, as required by Idaho Code §50-1326;

21. A statement of whether or not the proposed subdivision is in an irrigation entity as required by Idaho Code §31-3805. If in an irrigation entity, a statement of approval by the City Council as is required by Idaho Code §31-3805.

22. A certificate for use by the County Recorder in recording the plat after its approval; and

23. Any other information required for compliance with this ordinance.

24. The City will require a minimum of two (2) Silver Emulsions or Mylar’s for recording purposes.
Appendix K

Required Improvements and Surety Agreements

A. OWNER'S RESPONSIBILITY:

1. The owner is responsible to complete the improvements required by this ordinance and any additional improvements that may be required as a condition of approval.

2. A written warranty for all materials, labor and equipment for one (1) year from the date of final acceptance and/or approval of the infrastructure by the city.

3. In addition, such contractor, developer, or other person shall provide security or other financial guaranty in a form and amount acceptable to the city to cover the cost of repairs or replacement for a period of one (1) year. The security or financial guaranty shall be in an amount at least as great as ten percent of the total cost of the improvements based upon an approved estimate; provided, however, that the guarantor’s liability shall not be limited by the amount of security or financial guaranty provided to the city. The estimate shall be prepared by a licensed engineer at the sole cost of the contractor, developer, or other person based upon the approved plans. The estimate shall be itemized by description, quantities and costs. The submitted data shall be subject to review and approval by the city engineer. The security or other financial guarantee shall be provided to the city by no later than the date of final acceptance or approval of the improvement by the city.

4. The date of final acceptance or approval of the infrastructure by the city shall be determined by the city engineer and established by a certified letter or report from the city engineer. The date for acceptance by the city shall be contingent upon receipt of the warranty and acceptable security or other financial guaranty.
5. If a problem, failure, installation defect, or noncompliance with city standards is discovered, the guarantor shall be responsible for all necessary correction costs. The guarantor shall also be responsible for reimbursing the City for all costs associated with discovery of the problem, failure, defect, or noncompliance. The city engineer may establish the response time for the guarantor to make the necessary repairs or replacement and if the work is not completed by that time, the city has the right to commence and complete the work and charge such costs against the security or other financial guaranty. The city shall have the right to recover any costs in excess of the security or other financial guaranty from the guarantor.

B. SURETY AND SURETY AGREEMENT:

In lieu of completion of the required improvements and/or conditions of approval listed in this ordinance, the owner may deposit a surety and surety agreement for completion of such improvements with the Administrator on forms provided by the Administrator and as specified in this appendix.

C. SURETY DEPOSIT:

1. In lieu of completion of improvements, or any portion thereof, required by this ordinance, the owner may deposit a surety and sign a surety agreement for completion of such improvements. The surety and surety agreement shall be deposited with the Administrator on forms provided by the Administrator.
2. The amount of surety called for shall be equal to not less than one hundred twenty percent (120%) of the cost of completing the required improvements. The estimated cost shall be provided by the applicant and reviewed and approved by the Administrator.
3. In all cases the surety shall be drawn solely in favor of, and payable to, the order of the City of Island Park, in accord with the regulations contained in the surety agreement by and between the guarantor and the City of Island Park.

D. RELEASE OF SURETY:

1. Where a surety is accepted by the Administrator and deposited as provided for in this Appendix, the surety shall be released subject to the following regulations:
2. The owner shall submit a written request to the Administrator to return the surety. The request shall include the following documents:

   a. A statement from the owner that the required improvements are complete.

   b. A written report and two (2) sets of prints of the as-built plans and specifications for all improvements.

3. The City Engineer shall inspect and verify that the required improvements, as detailed in the improvement agreement, have been installed. The written report and as-built plans shall be reviewed and approved by the City Engineer.

4. Upon certification of the City Engineer, the Administrator shall give notice to the City Clerk to release the sureties heretofore deposited with said City Clerk in the manner and to the extent as provided for in the surety agreement in accord with the regulations of this Appendix.

E. TIME OF INSTALLATION OF REQUIRED IMPROVEMENTS

1. Plats. Applicants may elect to record a final plat or record final plat(s) in phases before all required improvements are installed. Phasing shall be permitted pursuant to an improvement agreement that:

   a. Incorporates a conceptual site plan of the entire application (the site plan used as a basis for permit approval) and a detailed site plan and construction drawings of the initial phase/s;
   b. Identifies all required improvements in the initial phase/s and establishes their estimated cost;
   c. Sets a schedule for the completion of the required improvements in the initial phase/s and an anticipated schedule for future phases;
   d. Guarantees completion, repair, and one (1) year’s maintenance of all required improvements in the initial phase(s) using one of the methods listed herein, and provides a process for the submission of detailed plans, cost estimates, and the guarantee of improvements in future phases;
   e. Provides a process by which the City may, if necessary, complete required improvements using the guarantee/s provided;
   f. Provides a process by which either party may request re-negotiation of the improvement agreement;
   g. Provides a process by which the improvement agreement may be transferred to the applicant's successors. Such transfer shall require prior approval by the City Council;
h. Provides that the improvement agreement and any vested rights it confers shall be void if the City is required to call a guarantee to complete required improvements or if the anticipated schedule required by c., above, is not met or re-negotiated. The Applicant shall have the right to re-negotiate the anticipated schedule without losing vested rights, provided that such negotiations are initiated, by the Applicant, prior to ninety (90) days before the expiration of the improvement agreement. Failure of the Applicant to initiate re-negotiation within this timeframe shall void any right to initiate re-negotiation at a later date; and

i. An improvement agreement does not insulate applications from changes in state or federal regulations or changes in City building codes, Fremont County street or sewer codes, or State fire, electrical or plumbing codes.

j. The improvement agreement shall inure to the benefit of and be binding upon the Applicant, their respective heirs, administrators, executors, representatives, successors and assigns.

2. Other developments. If the approval not for a subdivision, all required improvements shall be installed prior to the first building permit being issued.

   a. Exception: Planned Communities may elect to enter into an Improvement Agreement. See Chapter III and Appendix H.

**F. GUARANTEES.** Completion of the improvements identified in an improvement agreement shall be guaranteed as follows:

The Applicant shall provide a surety, acceptable in form and content to the City, for an amount equal to 110% of the estimated cost of the required improvements. The amount of the surety shall be released only after the City has inspected and accepted and/or approved the required improvements. If any required improvements are not completed as provided in the improvement agreement, the City shall use as much as necessary of the surety available to complete those improvements or to have those improvements completed before returning any remaining balance to the Applicant.

**G. WARRANTY OF IMPROVEMENTS.** Required improvements shall be warranted by the Applicant for both materials and workmanship for one year after their acceptance. Such a warranty provision shall be included in all improvement agreements. Where all required improvements will be completed before a final plat is approved and the application is offered for lease, sale, or occupancy, a warranty agreement shall be submitted for approval. Enforcement of the warranty shall be assured by the City retaining 10% of the surety account for the warranty period.
APPENDIX L

DEVELOPMENT AGREEMENTS

PURPOSE:

To exercise the authority granted the City Council in Idaho Code §67-6511A, to provide for the creation, form, recording, modification, enforcement and termination of development agreements; and to require as a condition of a zoning ordinance map amendment approval that an owner of land make a written commitment concerning the use and/or development of that land.

APPLICABILITY:

It shall be a precondition of approval for all applications for a zoning ordinance map amendment by, or on behalf of, an owner that the owner enters into a development agreement acceptable to the City Council as part of receiving City Council approval of the zoning ordinance map amendment.

PROCESS:

A. Development Agreement Creation, Form, Approval, And Consent:

1. Before the City Council makes a final decision on an application for a zoning ordinance map amendment by, or on behalf of, an owner, the Administrator shall forward a request to the City Attorney's office to create a development agreement using the appropriate model form as approved by the City Council. The Administrator's request shall include all the necessary documents pertaining to the zoning ordinance map amendment application and the creation of a development agreement, such as, but not limited to: the legal description of the land subject to the zoning ordinance map amendment application; deed(s); preliminary plat; and any proposed conditions of approval.

2. Once the City Attorney's office has drafted the development agreement, the development agreement with any attachments shall be returned to the Administrator. The Administrator shall forward it to the applicant.
3. Approval of the zoning ordinance map amendment application by the City Council shall be contingent upon the City Council and owner of the land signing a mutually acceptable development agreement.

4. By signing the development agreement the owner, and any subsequent owners, consents to having the zoning ordinance map amendment reversed, in whole or in part, upon failure to comply with the terms and/or conditions set out in the development agreement.

B. Review and Enforcement: The Administrator shall monitor the owner's compliance with the terms and/or conditions of the development agreement. The Administrator shall review the status of the development at least once every year from the date the development agreement is signed. A more frequent review may be undertaken by the Administrator at the Administrator's discretion or at the request of the Mayor and/or City Council. During a review the owner, or any subsequent owner, must demonstrate that they are in compliance with the terms and/or conditions of the development agreement. If the Administrator determines that the terms and/or the conditions of the development agreement are not being complied with, and such lack of compliance is not immediately resolved by the owner, the Administrator shall recommend that the City Council enforce the terms of the development agreement by modification or termination.

C. Modification: A development agreement may be modified, in whole or in part, as follows:

1. Modification In Whole Or In Part For Failure To Comply With Terms And/Or Conditions: The City Council may modify a development agreement and/or reverse the zoning designation of the land or any undeveloped portion of the land upon the failure of the owner or subsequent owners to comply with the terms and/or conditions of the development agreement. Prior to modifying a development agreement for failure to comply with the terms and/or conditions the owner or subsequent owners shall have a reasonable time as determined in the sole discretion of the City Council to come into compliance with the terms and/or conditions. Prior to modifying a development agreement the City Council shall hold a public hearing in accordance with the notice and hearing provisions of Idaho Code §67-6509.

2. Modification By Mutual Consent: The City Council and the owner or subsequent owners of the land may mutually agree to modify a development agreement and reverse the zoning map amendment, in whole or in part. Prior to modifying the development agreement by mutual consent, the City Council shall hold a public hearing in accordance with the notice and hearing procedures of Idaho Code §67-6509.
D. Termination:

1. Termination For Failure To Comply With Terms And/Or Conditions: The City Council may terminate a development agreement and reverse the zoning designation of the land or any undeveloped portion of the land upon the failure of the owner or subsequent owners to comply with the terms and/or conditions of the development agreement. Prior to terminating a development agreement for failure to comply with the terms and/or conditions the owner or subsequent owners shall have a reasonable time as determined by the City Council to come into compliance with the terms and/or conditions. Prior to terminating the development agreement for failure to comply, the City Council shall hold a public hearing in accordance with the notice and hearing procedures of Idaho Code §67-6509.

2. Termination By Mutual Consent: The City Council and the owner or subsequent owners of the land may mutually agree to terminate a development agreement and reverse the zoning map amendment, in whole or in part. Prior to terminating the development agreement by mutual consent, the City Council shall hold a public hearing in accordance with the notice and hearing procedures of Idaho Code §67-6509.

3. Termination At Owner's Discretion: The owner of land subject to a development agreement may terminate the development agreement as to any remaining undeveloped land if the City Council modifies the development agreement without mutual consent. In the event the owner chooses to terminate the development agreement under these circumstances, the City Council may reverse the zoning designation of any undeveloped portion of the land.

4. Termination When Owner Has Complied With And/Or Completed All Terms And/Or Conditions: A development agreement terminates when the owner has complied with and/or completed all the terms and/or conditions of the development agreement.

E. Recording: Approved development agreements, any subsequent modification(s) thereof, or termination of a development agreement shall be recorded in the office of the Fremont County recorder. The applicant shall pay all recording fees.

F. Fees: The City Council shall establish a fee for conducting reviews.