

# **City of Island Park Development Code**

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## Chapter 1

### General Regulations

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#### **1-1: AUTHORITY.**

This Code shall constitute the official Development Code of the City of Island Park, Idaho. This Code is adopted pursuant to the Idaho Local Land Use Planning Act, Title 67, Chapter 65, of the Idaho Code.

#### **1-2: PURPOSE.**

The purpose of this Development Code is to promote the health, safety, peace, convenience and general welfare of the inhabitants of the City by implementing the goals and policies of the City's Comprehensive Plan.

#### **1-3: ESTABLISHMENT OF ZONES AND OVERLAYS.**

(A) The following Zones and Overlays are established to achieve the purposes of this ordinance and to implement the Comprehensive Plan:

1. R1, Residential Zone. This zone is intended to provide separate and distinct single-family residential uses. It is intended to ensure the location and development of residential properties protects the public health, safety and general welfare of the City; rights of all citizens, and community assets and natural resources.
2. R2, Residential Zone. This zone is established to provide locations within the City to create developments with higher density and more affordable living for City residents and workforce. This zone is not intended to be located within neighborhoods and subdivisions established prior to the adoption of this Code.
3. Commercial Zone. This zone is established to provide locations for business-related uses based on the availability of urban services, the surrounding land uses, and the needs of the City to maintain economic viability.
4. Airport Overlay. This zone is created 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 around the airports are compatible with the safe, continued use of the airports in the City of Island Park.
5. Planned Unit Development (PUD) Overlay. This overlay is intended to allow for a master-planned community that is a mixed-use development with a residential emphasis that includes recreational and commercial amenities, such as golf courses, tennis courts, lakes, parks, playgrounds, swimming pools, and even stores and restaurants. A planned unit development is approved through a comprehensive review of projects characterized by an integrated and unified design. It may include a variety of project types including infill developments, housing developments, or mixed-use developments. A proposed planned unit

development shall include mixed-use and/or amenities as described in the intention of the overlay in this section.

(B) Zoning Map.

1. The location and boundaries of each Zone are shown on the Zoning Map.
2. The Zoning Map with all notations, references and other information shown on the map is part of this Code and shall have the same force and effect as this Code.
3. The Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk of its effective date.
4. The Zoning Map shall be located in the City Hall and shall accurately designate the current boundary lines of the Zones within the City.
5. In the event of a conflict between this Code and Zoning Map, the Code shall govern.

(C) Determination of Zone Boundaries. Where uncertainty exists with respect to the boundaries of various zones shown on the Zoning Map, the following rules shall apply:

1. Where a boundary line is indicated as approximately a street, alley, waterway, or railroad right of way, the centerline shall be construed to be the Zone boundaries.
2. Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be the boundary line.
3. Where land has not been subdivided into lots, the Zone boundary shall be determined by the use of a scale of measurement shown on the Zoning Map.
4. Where other uncertainty exists, the Zoning Administrator shall interpret the Zoning Map.
5. In the case of a split zoned lot the zone representing the largest portion of a lot shall prevail.

**1-4: APPLICABILITY.**

The regulations in this Code shall apply and govern development and the use of all properties within the corporate limits of the City, in areas outside of City limits for which annexation has been requested; or as otherwise permitted through written agreement(s) with Fremont County, or by Idaho Code.

(A) No person or public agency shall construct, alter, move, or change the use of a structure or undertake any development unless:

1. The proposed use, structure, or division of property complies with this Code; and
2. Any required approval or permit is first obtained, as provided by this Code, and any applicable conditions of such approval are met.

(B) Nothing in this Code shall eliminate the need for obtaining any other permit(s) required by this Code, other political subdivisions or agencies of the State of Idaho, including but not limited to, building permits, plumbing, electrical, or mechanical permits.

(C) This Code is not intended to impair or interfere with other more restrictive regulations or private restrictions on the use of land improvements and structures.

(D) The provisions of this Code shall be in addition to, and shall not be deemed to repeal, abrogate, or impair any other ordinance, regulation, easement, covenant, or deed restriction.

(E) Where this Code imposes greater restrictions than that imposed by other law, this Code shall prevail.

(F) All properties in the City corporate limits shall comply with the regulations of this Code, unless otherwise preempted by federal statute or local law.

(G) The prosecution of violations that occurred under previous land use regulations and that remain a violation under this Code shall continue until resolved.

(H) Applications pending as of the effective date of this Development Code, December 31, 2023 .

1. Project with pending application: All applications shall be processed according to the regulations and requirements in effect as of the date staff accepted the application.
2. Approved project with pending request for a time extension: Time extension requests shall be consistent with the requirements that are in effect when the original application was approved.
3. Approved projects not yet completed. Any approved application may still be completed as approved.

## **1-5: INTERPRETATION.**

(A) Language.

1. Terminology. When used in this Code, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and vice versa, unless the natural construction of the sentence indicates otherwise. The word “shall” be mandatory, and the word “may” is permissive. The masculine shall include the feminine.
2. Number Of Days. Whenever a number of days is specified in this Code, or in any permit, condition of approval, or notice issued or given as provided in this Code, 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 holiday.
3. Minimum Requirements.
  - a. When interpreting and applying the regulations of this Code, all regulations shall be considered to be minimum requirements, unless stated otherwise.
  - b. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this Code.
4. Defined Terms.
  - a. Terms defined in the Appendix of this Code shall have their defined meaning when used elsewhere in this Code.
  - b. Where terms are used that are not defined, the term shall have the ordinary accepted meaning within the context with which the term is used.
5. Section Headings. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Code.
6. References. All references to state or federal laws and/or regulations shall include such laws and/or regulations as they may be amended over time.

(B) Measurements.

1. Building height shall be measured from the lowest grade to the top of the building roof at the highest point as defined by this Code.
2. Linear distance shall be measured in a horizontal line; it shall not be measured along an inclined surface or line.

(C) Most Restrictive Standards Apply.

1. When ordinances, or state or federal law, impose additional standards on activities governed by this Code, 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 in favor of the City provided such interpretations are not arbitrary and capricious.

(D) Burden of Proof. The burden of proof shall, in all proceedings pursuant to this ordinance, rest with the developer/applicant/appellant.

#### **1-6: SEVERABILITY.**

Each section, clause, and provision of this Code is declared severable. If a Court of competent jurisdiction declares that any section, clause, or provision of this Code is invalid, the same shall not affect the validity of the remainder of this Code as a whole, or any other part of this Code, or the application of the provisions to other persons or circumstances, and the remainder shall continue in full force and effect.

#### **1-7: NONCONFORMING LOTS OF RECORD.**

(A) For a lot of record created prior to July 1, 1993, and that does not meet the minimum lot size or width required by this Code, structures for single family dwellings may be built, expanded, reconstructed, occupied or used. Such structures and uses shall meet all other applicable requirements of this Code.

#### **1-8: NONCONFORMING USES AND STRUCTURES THAT CONTAIN NONCONFORMING USES.**

(A) It is the intent of this Code to prohibit the addition or enlargement of non-conforming uses.

(B) A nonconforming use and a structure containing a nonconforming use only may be maintained and continued to the same extent as it legally existed prior to the adoption of this Code, subject to the following provisions:

1. Repairs may be made to a structure occupied by a nonconforming use provided that such repairs shall not have the effect of increasing the floor space devoted to the non-conforming use, capacity, or volume of business.
2. Land area of any nonconforming use shall not be increased.
3. The floor area of a structure occupied by a nonconforming use shall not be increased, except to overcome unsafe or unsanitary conditions when required by the Fremont County Building Official.
4. Where a structure occupied by a nonconforming use is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or public enemy, it may be restored, and the previous occupancy resumed provided that:
  - a. The structure was occupied at the time of such damage or destruction.
  - b. Restoration is started within a period of one (1) year from the date of destruction and restoration is diligently pursued to completion.
  - c. The restoration does not increase the floor space devoted to the non-conforming use beyond that which existed at the time the use became nonconforming.
5. If a nonconforming use has ceased for a continuous period of five (5) years or has been replaced with a conforming use, the nonconforming use shall be deemed abandoned and shall not be reestablished.
6. A nonconforming use shall not be changed to another nonconforming use. Any change of nonconforming use shall be to a conforming use.

#### **1-9: NONCONFORMING STRUCTURES**

It is the intent of this Code to prohibit the addition or enlargement of non-conforming structures.

- (A) Nonconforming structures may continue to be occupied, enlarged, repaired or modified only as follows:
1. Any additions or modifications to the structure shall conform to the requirements of this Code.
  2. Ordinary repair work may be done including repair or replacement of non-load bearing walls, fixtures, wiring or plumbing so long as such repair work does not change or increase the intensity of nonconformity.
  3. Any structural alteration that will reduce the degree of nonconformity is permitted, subject to all other applicable requirements of this Code.
  4. Any nonconforming structure or portion of a nonconforming structure declared unsafe by the Fremont County Building Official may be made safe or restored to safe conditions.
  5. No building or other structure shall hereafter be erected or altered to have narrower or smaller rear yards, front yards, side yards, or other open spaces, that herein required; or in any other manner be contrary to the provisions of this Code, except that encroachment into yards shall be permitted on lots occupied by buildings which were in existence prior to the effective date of this Code, but not to an extent greater than the existing encroachment.
- (B) A nonconforming structure that is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or public enemy, may be restored and the previous occupancy resumed provided that:
1. Restoration is started within a period of one (1) year from the date of destruction and the restoration is diligently pursued to completion.
  2. The restoration does not increase the extent of the nonconformity beyond that which existed at the time the structure became nonconforming.

**1-10: NONCONFORMING SITE AND LANDSCAPING.**

- (A) Any use that is nonconforming because of the regulations contained in this Code may be continued in the same manner as if the landscaping were conforming.
1. This allowance applies only to those uses as they existed on the effective date of this Code and were nonconforming only as to the regulations relating to landscaping.
- (B) An increase in the intensity of a land use with nonconforming landscaping shall comply with the landscaping requirements of this section to the extent possible as determined by the Zoning Administrator, but in no case, shall the landscaping be reduced unless suitable substituted landscaping is provided which complies with the provisions of this section.

## **Chapter 2**

### **Land Use Regulations**

2-1: Purpose

2-2: General Provisions

2-3: Allowed Uses by Zone

2-4: Use Specific Development Standards

#### **2-1: PURPOSE.**

The provisions of this Chapter identify the allowed land uses in each zone and the specific standards for development of certain allowed land uses, including permitted and conditional uses.

#### **2-2: GENERAL PROVISIONS.**

(A) Table of Allowed Land Uses. In the table of allowed land uses that are set forth in this Chapter, allowed land uses are listed as permitted (P) or conditional use (C) uses left blank indicate the use is not permitted.

1. If a proposed use of property is not listed in the tables, the use shall be prohibited, unless the Planning and Zoning Commission and the Zoning Administrator specifically determines that the proposed use is equivalent to a currently permitted use.
2. Uses that are listed followed by an asterisk (\*) are subject to the specific use provisions set forth in the Use Specific Development Standards Section, of this Chapter.
3. The Zoning Administrator shall determine the most appropriate category for mixed uses or uses that fall into more than one (1) category of land use classifications. Allowed uses shall be permitted based on the more restrictive applicable standards.

Table 2.1: Allowed Uses by Zone

P = permitted use. C = conditional use. Blank indicates it's not allowed.			
*Indicates uses that are subject to specific land use provisions set forth in Section 2-3			
<b>Proposed Land Use</b>	<b>R1 Zone</b>	<b>R2 Zone</b>	<b>Commercial Zone</b>
Accessory use*	P	P	P
Adult Entertainment Business*			C
Amusement or Recreation Facility, Indoor			P
Amusement or Recreation Facility, Outdoor*			P
Animal Boarding with Outdoor Runs*			C
Animal Clinic, Animal Hospital, or Veterinary Office			P
Asphalt or Concrete Ready-Mix Plant*			C
Automobile, Major Repair*			P
Automotive, Hobby*	P	P	P
Automobile or Recreational Vehicle Sales or Service *			P
Bank			P
Bar, Brewpub, or Nightclub *			P
Bed and Breakfast Establishment *		P	P
Boarding House *		P	P
Boathouse *	P	P	P
Campground/Recreation Vehicle and Cabin Park*			P
Car Wash *			C
Cemetery *			C
Children's Treatment Center			P
Clinic, Medical			P
Club or Social Hall			P
Contractor's Yard or Shop *			C



Crematory *			C
Daycare Center* (§39-1102/13 or more children)		C	C
Daycare-Family Daycare Home* (§39-1102/1 to 6 children)	P	C	C
Food Truck			P
Daycare-Group Daycare Facility* (§39-1102/7 to 12 children)	P	C	C
Drive- Through Facility*			P
Drug and Alcohol Treatment Facility			P
Duplex*	P	P	
Dwelling, Caretaker *	P	P	P
Dwelling, Secondary*	P	P	
Dwelling, Single Family Attached or Detached	P	P	
Farm, Garden, Lumber, or Building Supply Store			P
Gasoline, Diesel, or Alternative Fuel Sales Facility *			P
Golf Course and Country Club *		C	P
Heavy Equipment Sales or Service *			P
Home Occupation *	P	P	
Hotel/Motel *			P
Junkyard or Automobile Wreacking Yard			
Kennel, Commercial *			C
Kennel, Hobby *	C	C	P
Laundromat *			P
<ul style="list-style-type: none"> <li>We have nothing making this different than Hotel/Motel in any zone.</li> </ul>			
Manufactured Home	P	P	

Manufactured Home Park *	C	P	P
Mortuary			P
Multi-Family Development * <i>This use may be allowed with a Conditional Use Permit on property zoned R prior to the adoption of the R-1 zone in the code revised and adopted on June 10, 2021.</i>	C	P	P
Nursery *			P
Nursing Facility		P	P
Office Building			P
Outdoor Storage Yards *			P
Pit, Mine, or Quarry *			C
Place of Assembly	P	P	P
Public Service *	P	P	P
Recreational Vehicle, Seasonal Use *	P	P	P
Recreational Vehicle Park * Refer to Campground, RV, Cabin Park)		C	P
Recycling Center *			C
Research and Development Facility			P
Residential Care Facility		P	P
Restaurant or Eating Place			P
Retail Store			P
Produce Stand *	P	P	P
Sanitary Landfill *			C
School, Public or Private *	P	P	P
Storage Facility, Self-Service and Storage Facility, Self-Service-Outdoor*			C
Temporary Use *	P	P	P
Towers or Antenna *			P

Transient Rental*	P	P	P
Warehouse			C
Wind Energy System, Small *			C
Live/Work Units		C* (within a PUD)	P

**2-3: USE SPECIFIC DEVELOPMENT STANDARD**

**(A) Accessory Structure.**

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. Accessory structures shall be setback five feet (5') from any side or rear property line and shall adhere to the front setback requirements of the primary structure.
4. Accessory structures shall not be located in or on any recorded easements or utility service line.
5. Accessory structures in the front yard shall not block the view of the main entrance to the principal permitted dwelling.
6. Accessory structures 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.
7. An accessory structure shall not exceed a height of twenty-four feet (24').
8. 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.
9. 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.

**(B) Adult Entertainment Business**

1. Hours of operation are from 4:00 p.m. to 2:00 a.m. The hours of operation shall be visibly posted on all entrances and exits.
2. On-site security must be present during all hours of operation. One security staff person is required for each twenty (20) required parking spaces or fraction thereof.
3. Separations. In accordance with Idaho Code, the following distance separations shall be required:
  - a. It shall not be located within one-thousand feet (1,000') of a public or parochial school or daycare as defined and licensed by the State of Idaho or City; a public park or playground; a bar or tavern or other premises serving alcohol; religious institution; or another sexually oriented business;
  - b. It shall not be located on a lot or parcel that is within five hundred feet (500') of a Residential Zone or use;

c. 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.

4. Design Requirements:

- a. 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;
- b. No loudspeakers or sound equipment shall be used for such businesses that can be discerned by the public outside the building;
- c. 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.

5. Signs.

- a. 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;
- b. Any business providing adult entertainment or adult material shall have in place at each entrance to such business a legible door sign stating, "Persons under 18 years of age not permitted". The sign shall be no less than one half (1/2) square feet and no greater than one (1) square foot in area. Such sign shall not require permitting under the sign regulations of this Code.

(C) Amusement or Recreation Facility, Outdoor.

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 this Code.
3. All outdoor activities and events shall be scheduled so as to complete all activity before or as near to 9:30 P.M. as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after 10:00 P.M. except to conclude a scheduled event that was in progress before 10:00 P.M. and circumstances prevented concluding before 10:00 P.M. All illumination shall be terminated no later than one (1) hour after conclusion of the event.
4. Any outdoor swimming pool shall be completely enclosed within a six-foot (6') wall or fence.
5. Any fire pit shall meet the requirements of a "fire pit" as defined in Chapter 8.

(D) Animal Boarding with Outside Runs.

1. A separation shall be maintained between the area and structures where animals are housed and any property line to ensure that the decibel level measured at the property line does not exceed the noise standard allowed in this Code.
2. 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.
3. Five percent (5%) of the building floor area, excluding the kennel area, may be used for related retail sales.

4. A grooming facility is allowed, but not to occupy more than thirty-five percent (35%) of the building floor area, excluding the kennel area.

(E) Asphalt or Concrete Ready-Mix Plant.

1. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry.
2. 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.
3. Outdoor storage areas shall comply with the requirements for Outside Storage Yards.

(F) Automobile, Major Repair.

1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
2. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with the requirements for Outside Storage Yards.
3. Inoperable or dismantled motor vehicles shall be stored in an Outside Storage Yard or within an enclosed structure.

(G) Automotive, Hobby.

1. There shall be no wholesale or retail sale of automotive parts or supplies; no sale of commercial vehicles and no commercial repair of automobiles or trucks;
2. The site for an automotive hobby shall be maintained in an orderly manner so as not to create a public nuisance;
3. 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:
  - a. 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
  - b. Within a completely enclosed structure;
4. Exempt from these provisions are the off-season storage of privately-owned snow machines and ATVs, and storage of snow removal equipment.

(H) Automobile or Recreational Vehicle Sales or Service.

1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
2. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with the requirements for Outdoor Storage Yard.
3. Inoperable or dismantled motor vehicles shall be stored within an Outdoor Storage Yard or within an enclosed structure.
4. Automotive sales and rental areas shall be subject to the landscape and screening requirement of this Code.

(I) Bar, Brewpub, Or Nightclub.

1. The bar, brew pub, or nightclub shall not be located within one thousand feet (1,000') of a church or school property.
2. When abutting a Residential Zone or use, no outside activity or event shall be allowed on the site, except as provided for by the requirements for a Temporary Use.

(J) Bed and Breakfast Establishment.

1. The minimum property size for a bed and breakfast establishment shall be one (1) acre.

2. 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.
3. 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).
4. Breakfast shall be served on the premises only for guests and employees of the facility. No other meals shall be provided on the premises. Guest rooms may not be equipped with cooking facilities, including but not limited to, stoves, hot plates, or microwave ovens.
5. A full time resident owner or a full time resident employee must reside on the premise at all times.
6. Year-round off-street parking shall not interfere with access and/or use of a street or road (including public street rights-of-way and private road rights-of-way). There shall be off-street parking, as follows:
  - a. Parking Spaces required: One (1) per three (3) allowable occupants, with a minimum of two. Each space shall be a minimum of ten feet (10') by twenty feet (20'). All parking areas shall provide on-site turnarounds for all off-street parking spaces and loading facilities.
  - b. 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;
  - c. Off-street parking spaces, maneuvering areas, and access routes shall be accessible at all times of use;
  - d. 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;

(K) Boarding House.

1. No more than ten (10) occupants (including any resident staff and family) shall be permitted to occupy any such facility at one time.

(L) Boathouse.

1. 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-site or off-site septic system or a sewer system.
2. 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.
3. 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 Conditional Use Permit. If other structures already exist within the lake shore buffer area, removal or relocation of those structures shall be required, unless allowed to remain with approval through the Conditional Use Permit process.
4. 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.
5. Boathouses shall not exceed five hundred (500) square feet in area. Boathouses shall not be more than one (1) story in height.
6. A boathouse may be allowed in a lake shore buffer area.

(M) Campground/Recreational Vehicle/Cabin Park. The development site shall have direct access from an arterial street or frontage road. Access from highway 20 may be permitted but shall be discouraged whenever possible. No traffic shall be allowed to flow through a residential zone.

1. Design Standards:

- a. The applicant shall indicate the specific location of each proposed cabin, campsite or recreational vehicle space on the master plan.
  - b. Sites designated for rental by the month shall be separated by a roadway from the nightly/weekly rental sites.
  - c. Monthly rental sites shall provide for a minimum of two (2) parking spaces in addition to the recreation vehicle.
  - d. A fifty foot (50') landscaped buffer with protective screening or fencing shall be required on property boundaries adjacent to a public right of way, residentially zoned property or property currently used as a residential use.
  - e. A separation of three hundred feet (300') shall be maintained between any outdoor activity area (including nightly/weekly rental sites or recreation facilities) from any residentially zoned property.
  - f. Drive aisles (roadways) within the development shall be a minimum of thirty feet (30'). The entire width of the drive shall be improved.
  - g. No pull through site for recreational vehicles shall have direct access to a public roadway. A proposal that includes pull through sites for recreational vehicles that have direct access to a public/private roadway shall require a Conditional Use Permit.
  - h. All sites shall have an all-weather surface and be drained to prevent standing water.
  - i. All sites designated for use by a recreational vehicle shall be a minimum of fifteen hundred (1500) square feet.
  - j. Recreational vehicles shall not be located closer than ten feet (10) to any other recreational vehicle, structure, residential structure, public or private street or property line.
  - k. Recreational vehicle spaces shall not be located in any required off-street parking space or storage yard.
  - l. A dump station for discharging wastewater holding tanks shall be provided unless each space is equipped with a sewer connection. All spaces designated on the master plan as monthly rental spaces shall include sewer, electric and water connections. Wastewater discharge facilities shall be approved by the Eastern Idaho Public Health District.
  - m. All fire pits within the development shall meet the requirements of a "fire pit" as defined in Chapter 8.
  - n. Any outdoor speaker system associated with the development shall comply with the noise regulations of Section 3-11 Sound and Noise Standards of this code.
2. 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:
- a. Such uses shall be restricted in their use to occupants of the campground.
  - b. 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, being accessible only from a roadway within the development.

(N) Car Wash.

1. All businesses providing self-service or drive-through car wash facilities shall identify the stacking lane and wash location on the site plan.
2. 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.
3. 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 or use.
4. Any outdoor speaker system associated with the car wash shall comply with the noise regulations of this Code.
5. 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 or use.

(O) Cemetery.

1. A cemetery shall comply with the requirements of Idaho Code.
2. 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.
3. Graves and monuments shall not be located within twenty feet (20') from any property line.

(P) Contractor's Yard or Shop.

1. All structures and outdoor storage areas shall be depicted on the 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.
2. Outdoor storage areas shall be screened year-round and comply with the requirements for Outside Storage Yards.
3. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.
4. No on street parking or maneuvering of vehicles or equipment associated with the use is allowed.
5. Use of the property shall comply with the requirements for "Noise", in this Code.
6. Hours of operation shall be limited between the hours of 7:00 A.M. and 10:00 P.M. unless otherwise approved or restricted with a Conditional Use Permit.
7. 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.
8. The following shall be considered for approval of a Conditional Use Permit for a contractor's yard or shop and additional conditions may be included:
  - a. The proximity of existing dwellings;
  - b. The number of employees;
  - c. The hours and days of operation;
  - d. Creation of dust;
  - e. Excessive noise levels;
  - f. Outdoor loading locations;
  - g. Increased traffic;
  - h. Additional landscaping and screening;



(Q) Crematory.

1. The applicant or owner shall obtain written approval from the State.
2. 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.

(R) Daycare. Effective with the adoption of this ordinance all Daycares within the City shall be required to be licensed pursuant to Idaho State Statute Title 39 Chapter 11. Licensing and background checks shall be done by the State of Idaho. All Daycare Facilities shall be required to purchase a business license from the City. To receive a business license the applicant must present a current State of Idaho Daycare license to the City Clerk.

Daycares shall follow all requirements of the State of Idaho. The following daycare designations shall remain consistent with the Idaho State Code Title 39 Chapter 11.

1. Daycare Center. Means a place or facility providing daycare for compensation for thirteen (13) or more children.
2. Group daycare facility. Means a home, place, or facility providing daycare for seven (7) to twelve (12) children.
3. Family daycare home. Means a home, place, or facility providing daycare for six (6) or fewer children.

(S) Drive-Through Facility.

1. All businesses providing drive-up window service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the site plan.
2. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way. No stacking lanes shall be allowed off site of the drive-through facility. 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 thirty-two feet (32') of any residential zone or use.
3. Any outdoor speaker system associated with the drive-up window service shall comply with the noise regulations of this Code.

(T) Dwelling, Caretaker.

1. The caretaker dwelling shall be justified for reasons of upkeep on the property, supervision of operations, and/or guarding materials stored on site.
2. No more than one (1) additional dwelling (including, but not limited to, principal permitted dwelling, caretaker dwelling, or secondary dwelling) shall be permitted on a property.

(U) Dwelling, Secondary.

1. General Standards.
  - a. The secondary dwelling shall be clearly incidental and subordinate to the primary dwelling.
  - b. A secondary dwelling shall not be used as a Transient Rental if the primary dwelling is approved as a Transient Rental.
  - c. 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.

- d. No more than one additional dwelling (including, but not limited to, a caretaker dwelling or a secondary dwelling) shall be permitted on a property.
- e. Off-street parking shall be provided for as set forth in this Code shall be in addition to the required off-street parking for the principle dwelling.
- f. Either the principal dwelling or the secondary dwelling must be owner occupied at all times.
- g. 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.
- h. The subject property must be a minimum of six thousand (6,000) square feet in size.
- i. 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.
- j. An existing detached accessory structure may be converted to a secondary dwelling, provided that the structure meets all applicable requirements of the building code as established by Fremont County.

V) Trucks

- 1. A City Business License must be issued prior to operation and must be renewed as required by the license process.
- 2. The food truck may only be located off-street and must obtain in writing permission from the property owner that occupation on the property is permitted.
- 3. All food trucks must obtain approval from the State Health Department prior to operation of the business.

(W) Gasoline, Diesel or Alternative Fuel Sales Facility.

- 1. 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.
- 2. Structures and pump station canopies on corner properties shall observe a minimum setback of thirty-five feet (35') from any public street.
- 3. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').
- 4. 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. 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 Zone or use.
- 5. All trash and waste materials shall be stored within a separate enclosure behind the principal structure of the gasoline, diesel or alternative fuel sales facility.

(X) Golf Course and Country Club.

- 1. Accessory sales and rental of golf equipment shall be allowed.
- 2. The golf driving range shall be designed to protect abutting property and roadways from golf balls.
- 3. All other accessory structures to the golf course shall not be located within one hundred feet (100') of an adjacent property within a Residential Zone or use. 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 building code.
- 4. Any outdoor speaker system associated with the golf course or country club shall comply with the noise regulations of this Code.

5. 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.
6. Outdoor storage areas shall comply with the requirements for Outdoor Storage Yards.

(Y) Heavy Equipment/Recreation Sales or Service.

1. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
2. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with the requirements for Outdoor Storage Yards.
3. No on-street parking or storing of vehicles, accessories, replacement parts, or discarded parts is permitted.
4. The 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.
5. Inoperable or dismantled equipment shall be stored within an Outdoor Storage Yard.

(Z) Home Occupation.

1. The following uses are prohibited as a home occupation:
  - a. Medical and dental offices, clinics, and laboratories;
  - b. Mini storage or self-service storage facility;
  - c. Pest control;
  - d. Pool cleaning;
  - e. Storage of equipment, materials, and other accessories to the construction and service trades;
  - f. Veterinary services;
  - g. Residential Care Facility or Group Home, except as allowed within State Code;
  - h. Bed and Breakfasts;
  - i. Lodges; and
  - j. 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.
2. A home occupation shall not change the residential character of the neighborhood.
3. The storage of solid waste associated with a home occupation shall comply with the requirements of this Code.
4. 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 shall be limited to quantities that do not constitute a fire, health or safety hazard.
5. Heavy commercial vehicles or mechanized construction equipment units; except snow removal equipment, and agricultural vehicles used in agricultural operations; that are used primarily for business purposes are not allowed to park on-site or on the roadway adjacent to the property.
6. Signs must comply with the requirements of this Code.
7. A home occupation shall not encroach into any required parking, setback, or open space areas.
8. All business activities are to be conducted by a person or persons residing on the premises.
9. 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;

(AA) Hotel or Motel.

1. 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 Zone or use.
2. 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 Code.
3. No outdoor recreation area associated with the hotel or motel shall be within one hundred feet (100') of a Residential Zone or use. 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 building code.

(BB) Kennel, Commercial.

1. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance and to reduce noise and odor.
2. The facility shall meet the specific use standards for Animal Boarding with Outside Runs.

(CC) Kennel, Hobby.

1. 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 (1) dog.
2. 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 the Residential Zone all dogs shall be housed indoors during the night.
3. The dogs shall be physically restrained from running at large. In the Residential Zone, at least a six-foot (6') sight obscuring fence shall be required to buffer adjacent residential uses.
4. No commercial dog boarding shall be allowed.
5. 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.

(DD) Laundromat.

1. 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.

(EE) Live/Work Unit.

1. Live-Work Units (LWUs) are properties that combine residential and non-residential uses in either commercial or approved residentially zoned areas.
2. A live/work unit is allowed in the R-2 Zone with a PUD.
3. Units can be allowed both above or behind a commercial business.
4. A separate access to the living space shall be required.
5. The living space in a live/work unit shall be no larger than the commercial space attached to the unit.

(FF) Manufactured Home Park.

1. A central water system is required that is designed, constructed, and installed in compliance with all State and Federal standards, and capable of providing adequate firefighting flows throughout the park.

2. 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.
3. All utility connections for each unit shall be underground.
4. The maximum density of a manufactured home park shall not exceed the maximum density of the residential zoning district.
5. Accessory uses shall be in conformance with the accessory uses of the base district.
6. A single-family detached dwelling or a manufactured home may be allowed for the sole use of a caretaker.
7. 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 Code and the Idaho Code).
8. 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.
9. Manufactured home parks may be expanded or altered after approval is obtained through a Conditional Use Permit.
10. 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.
11. No manufactured home space shall be less than thirty feet (30') in width and/or depth.
12. The boundaries of each manufactured home space shall have an approved fence, wall, planting, or other permanent marker defining the perimeter of the space.
13. 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').
14. Drives:
  - a. A minimum of one (1) drive shall originate at a public street and terminate at a public street. 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 retained on-site.
  - e. 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 centerline curve radius shall be fifty feet (50').
  - h. The minimum curb radius at intersections shall be twenty feet (20').

- i. The Administrator may recommend approval of, and the City Council 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.

15. Park Design Standards:

- a. Two (2) off-street parking spaces shall be provided for each manufactured home space. For the purposes of this section, off-street parking spaces shall mean off-drive parking spaces.
- b. Outdoor lighting shall be provided to illuminate drives and sidewalks. Lighting shall be subject to the regulations of this Code.
- c. 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.
- d. A minimum of one hundred (100) square feet of common play area shall be provided per manufactured home space or two thousand five hundred (2,500) square feet, whichever is greater.
- e. The common play area shall be protected from all streets, drives, driveways, and parking areas by a minimum thirty-six-inch (36") high barrier.
- f. All manufactured home parks shall comply with the Americans with Disabilities Act (ADA) accessibility guidelines.
- g. Manufactured home parks shall provide a side and rear yard of a minimum of twenty feet (20').
  - i. Where the adjacent property is the Residential Zone, such yard shall be used for open space and shall not contain carports, storage structures, or any other structures.
  - ii. Where the abutting property is the Commercial Zone such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.

16. Screening: The following standards shall be in addition to the landscaping and screening requirements of this Code.

- a. 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.
- b. 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 adjacent Residential Zones from potential adverse influences within the manufactured home park including, but not limited to, undesirable views, lighting, and/or noise.

17. Manufactured Home Placement Standards:

- a. Trailer hitches shall not project beyond the manufactured home space boundary.
- b. The minimum distance between a manufactured home any other manufactured home or structure shall be ten feet (10').
- c. The minimum distance between a manufactured home and any common drive or walkway shall be five feet (5').
- d. No more than sixty percent (60%) of a manufactured home space may be occupied by a manufactured home and any other accessory structures.

(GG) Multi-Family Development.

1. The minimum roadway frontage shall be fifty feet (50').
2. The minimum dedicated open space requirement shall be thirty percent (30%).

3. Location of Structures on The Site:

- a. The proposed placement of structures, location of parking areas and pedestrian walkways, method of screening, and public entrances shall facilitate pedestrian access to adjacent residential properties.
- b. Structures shall have varied setbacks within the same property and staggered and/or reversed unit plans to provide a more varied outward appearance of the structures.

4. Pedestrian Access and Internal Circulation:

- a. Structures shall have at least one (1) pedestrian access on each side of each structure that faces a public or private street.
- b. For developments 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 adjacent streets, and among structures on the same site.
- c. 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.
- d. Where a walkway is within a parking area and abuts drive aisles or parking spaces; there shall be separation 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.
- e. Pedestrian and bicycle walkways shall link adjacent parks, schools, neighborhoods, and commercial areas to the greatest possible extent; and
- f. Trails and bicycle routes shall link to adjacent trail networks.

5. Automobile Access and Internal Circulation:

- a. Off-street parking and loading areas shall be designed to prohibit vehicles from backing out into a roadway.
- b. 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.

6. A snow storage plan shall be provided as part of the application material.

- a. No snow storage shall occupy any required off-street parking spaces, aisles, or maneuvering areas.

7. The applicant may request an indoor amusement or recreation facility as an accessory use to the multi-family development.

(HH) Nursery/Greenhouse.

1. 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.
2. Outdoor storage areas for materials shall comply with the requirements for Outdoor Storage Yards. The following nursery materials shall be exempt from this requirement:
  - a. Growing plants in ground or in containers; and
  - b. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six feet (6') in height.
3. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.
4. The property shall have frontage to an arterial street or state highway.

5. Additional standards for wholesale and/or retail nursery adjacent to a Residential Zone or Use:
  - a. 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.
  - b. No aerial spraying of the property shall be allowed.

(II) Outdoor Storage Yard

1. Outdoor Storage Yard Commercial is a storage yard used in conjunction with the operation of a commercial business.
2. Outdoor storage yards shall be screened according to the regulations of Section 3-9 of this Code for Outdoor Screening.
3. The outdoor storage of chemicals and/or fertilizers including, but not limited to, salts or other minerals, shall be prohibited.
4. Materials shall be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
5. Accessory outdoor storage yards shall be allowed for approved uses subject to the following standards:
  - a. The location of the outdoor storage area shall be noted on the site plan and reviewed as part of that application.
  - b. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.
  - c. Outdoor storage yards for commercial or industrial uses shall be limited to those items owned or used by the business.
  - d. Outdoor storage yards 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.

(JJ) Pit, Mine, or Quarry.

1. Any pit, quarry, or mine shall be designed, used, and reclaimed to conserve natural resources, aid in the protection of wildlife, domestic animals, aquatic resources, and reduce soil erosion.
2. 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.
3. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet the requirements of Outdoor Storage Yards. Areas where equipment is stored shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters and wetlands.
4. 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.
5. 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 Zoning Administrator.
6. The storage and/or disposal of solid waste on the site shall be prohibited.
7. 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.
8. General Design and Reclamation Standards:
  - a. 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.
  - b. For a pit, mine, or quarry where the excavation area results in a pond, the following standards shall apply:



- i. The extraction areas shall be designed to create a meandering edge.
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.

9. Standards for Temporary Use Approval:

- a. The property has not received previous approval for a pit, mine, or quarry as a temporary use.
- b. The maximum area of the extraction site shall be six (6) acres.
- c. The proposed extraction activities shall be completed within five (5) years.
- d. Stockpiles shall be a maximum of fifteen feet (15’) in height.
- e. All extraction and hauling activities shall take place between 7:00 A.M. and dusk or 6:00 P.M. (whichever is earlier) Monday through Friday.
- f. Haul roads shall not pass through existing residential neighborhoods.

10. Requirements for Approval:

- a. 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.
- b. The applicant shall show the extraction and reclamation phasing plan on the site plan.
- c. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources as defined by State Code or when the allowed time has ended, whichever occurs first.
- d. The approval shall consider and/or establish a time frame for the extraction of material.

(KK) Public Service.

- 1. All structures shall meet the minimum required setbacks for the applicable base district, except within a Residential Zone 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.
- 2. Structures shall be designed and constructed to be compatible with the surrounding properties including, but not limited to, building materials and building mass.
- 3. The standards as set forth for amusement and recreation facilities shall apply for all public recreation facilities.
- 4. 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.
- 5. Underground utilities within an easement or within a public street right of way shall not require additional approval.

(LL) Recreational Vehicle, Seasonal Use.

- 1. A recreational vehicle may be use on a seasonal basis in the Residential Zone provided:
  - a. No transient rental of the property is allowed. ;

- 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.

(NN) Recycling Center.

1. Outdoor storage areas shall comply with the requirements of Outdoor Storage Yards. No storage, excluding truck trailers, shall be visible above the required screening material.
2. Except for afterhours donation containers, no unsorted material shall be stored outdoors.
3. Any container provided for afterhours donation of recyclable materials shall be a minimum of fifty feet (50') from a Residential Zone or use, shall be of sturdy, rustproof construction; shall be of bear-proof design and construction; and shall have sufficient capacity to accommodate materials collected.
4. 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.
5. All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

(OO) Produce Stand.

1. One (1) stand per property is allowed.
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. The stand shall have an off-street parking and loading area that complies with the Commercial Zone standards of this Code.
7. 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.
8. One (1) 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.
9. A building permit may be required for the change in use or occupancy of any portion of structures used for the stand.
10. 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.

(PP) Sanitary Landfill.

1. 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 Zone or use.
2. The Conditional Use Permit may specify definite time limits for daily operation and for termination of such use.
3. 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 State Code.

(QQ) School, Public or Private.

1. The following access criteria shall apply:
  - a. Elementary schools shall take access off a local street.
  - b. Middle schools, junior high schools, and senior high schools shall take access off an arterial street.
2. All structures shall meet a minimum setback of forty feet (40') from any public street and thirty feet (30') from any other property line.
3. 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.

(RR) Storage Facilities-Self-Service Storage Units and Self-Service-Outdoor Storage Spaces.

A. Facility Requirements and Regulations.

1. The storage facility shall be completely fenced or walled from public view. Larger developments may be required to include offsets within the fencing. Fencing materials shall complement the exterior building materials. As part of the conditional use permit hearing sound walls may be required to protect adjacent neighborhoods.
2. Storage units or storage lot spaces 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.
3. All drive aisles within the facility shall be twenty-four (24) feet to allow for a parallel parked vehicle, a travel lane and emergency vehicles.
4. Any structure, facility, drive lane, parking area, or loading area located within thirty feet (30') of a Residential Zone shall provide a landscaping/buffering pursuant to sections 3-4, 3-8 and 3-9 of this code. This requirement shall apply to properties abutting and separated by a roadway.
5. If abutting a Residential Zone or use, the facility hours of public operation shall be limited to 7:00 A.M. to 10:00 P.M.
6. Storage of any hazardous materials shall be prohibited.
7. The property shall have frontage to an arterial street. Direct access to a roadway predominantly zoned for residential use shall be prohibited.
8. 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 asphalt, concrete, or some comparable all-weather dustless material.
9. Maintenance, Repair, Or Rebuilding: Maintenance, repair, or rebuilding of vehicles or machinery on the property is prohibited.
10. Landscaping: Property shall meet the requirements of sections 3-8 Landscaping Standards, 3-9 Screening and Buffering Standards and Table 3-4 Commercial Zone Perimeter Landscaping Requirements. Any required landscaping shall be installed outside the barriers or fencing required by this section.

B. Storage Unit Requirements and Regulations.

1. The distance between structures shall be twenty (20) feet.
2. No vehicle shall be left unattended within the aisles of the storage unit facility.

C. Outdoor Storage Spaces Requirements and Regulations.

1. The distance between all stored vehicles shall be a minimum of ten feet (10') side to side. Each space shall have access from a drive aisle.
2. 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.
3. No outdoor storage space shall contain more than two non-operatable vehicles.
4. The storage of construction equipment or construction vehicles may be stored within outdoor storage spaces.

(SS) Temporary Use.

1. 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.
2. Subdivision model home/real estate sales offices shall meet the following additional standards:
  - a. The sales office shall be located on a lot within a subdivision or on a space within a manufactured home park.
  - b. The principal use of the sales office shall be the sale of lots and/or dwellings or renting of spaces within the development.
  - c. The sales office shall meet the construction standards for a commercial occupancy as required by the building code. The applicant or owner shall obtain all necessary building permits as required.
  - d. 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.
  - e. Subdivision model home/real estate sales offices require a Conditional Use Permit
3. Office, Temporary Construction.
  - a. Any offices or accessory structures shall be removed from the property within thirty (30) days of completion of the construction project.

(TT) Towers or Antenna

1. No tower or facility shall exceed forty feet (40') in height, except as provided for herein.
2. The use of stealth or total concealment technology is required.
3. It is encouraged to use of existing towers, electric transmission towers, structures, and the co-location of facilities. Prior to the approval of a new structure written documentation is required demonstrating why co-location is not an option.
  - a. 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.
  - b. 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 co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The Applicant's letter(s) as well as response(s) shall be required as part of the Conditional Use Permit as a means of demonstrating the need for a new facility.

4. 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.
5. All improvements constructed as part of the tower or structure shall comply with most current County 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 applicants 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 licenses 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 are prohibited. The City Clerk shall provide information on access to the Natural Resource Map. and see what department has this and design a page to provide contact info for developers. 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;
  - 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. 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.
9. Electric Transmission Towers:
  - a. No tower shall be approved if an electric transmission tower is located within a one (1) mile radius laterally of a proposed tower site and if road access and necessary utilities can be obtained within a one quarter (1/4) mile radius 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, considering 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.
10. Documented Permission.

- a. 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 Zoning Administrator of such change in ownership and shall submit written documentation that easement or lease has been legally transferred to the new owner.
  - b. 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.
11. 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 City Council 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 feet (40') in height (after first considering electric transmission towers) within a one (1) mile radius 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.
12. 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 one hundred feet (100') of the tower site, the tower shall not extend more than twenty feet (20') higher than the average height of the mature vegetative canopy found within five hundred feet (500') of the site.
  - b. Where no vegetative canopy exists within one hundred feet (100') of the tower site, the maximum tower height shall be forty feet (40').
  - c. The determination of a dense mature vegetative canopy shall be determined by a Idaho licensed biologist, landscape architect or professional engineer using the Leaf Area Index (LAI), Normalized Difference Vegetative Index (NDVI), or other similar study.
13. Tower Spacing. Towers shall be located at least two (2) miles from other towers based upon a survey of surrounding sites. Closer spacing may be approved as part of the Conditional Use Permit when the applicant can prove the need as set forth here.
14. Protected State and Federal Lands. If a proposed tower is to be located within two (2) 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 Zoning 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 application.

15. **Approved Towers.** A proposal for a new facility or tower shall not be approved unless the Planning and Zoning Commission finds 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.
16. **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.
17. **Co-location limitations.** Antennas or antenna arrays employed as part of a facility may not be collocated on a tower or other support structure used by an amateur radio operator.
18. **Tower and Antenna Design & Appearance Requirements.** No Conditional Use Permit shall be approved for a tower, increase in tower height, or increase in height of an alternative structure unless the City Council 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 City Council 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:
  - i. Compact polarized antennas in a cylindrical uni-cell arrangement less than twenty-two inches (22") in diameter mounted atop the tower;
  - ii. Panel antennas flush-mounted against the tower; and/or
  - iii. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
19. 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 twenty feet (20'), 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 interconnected with any similar arm or bracket.
20. 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 feet (10') 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.
21. Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet (8') 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 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.
22. Fall Zones, Setbacks and Buffers. Towers shall conform to each of the following minimum setback requirements:
  - a. A fall zone that is clear of any dwellings on the same lot or parcel containing the tower (other than equipment enclosures associated with the facility) equal to one and a half (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.
  - c. The minimum setback measured from the property line shall be equal to 100% of the tower height.
  - d. If next to a Residential Zone or use where no vegetative screening exists, a buffer of evergreen trees of a minimum of four feet (4') 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, as allowed through the approval of a Conditional Use Permit, 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.

23. 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.

24. Maintenance/Removal: Abandonment and Removal. Abandoned or unused facilities shall be removed within ninety (90) days of the cessation of operations shall. Failure to remove and abandoned or unused facility within this time limit shall be deemed a violation of this Code.

(UU) Transient Rental. (As defined in Chapter 8, Appendix A)

1. A Conditional Use Permit for a Transient Rental shall be reviewed by the Zoning Administrator every two (2) years. The Zoning Administrator shall determine if a review of the Permit shall be conducted through the public hearing procedures; including adding, modifying, or deleting of conditions or of revocation of the permit.
2. A yearly inspection shall occur to ensure the property is in compliance with the conditions of the approved Conditional Use Permit and the requirements of this Section. The Zoning Administrator, or representing agent, 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 time frame not to exceed thirty (30) days of the written notice, with written evidence of the corrections provided to the Zoning Administrator by the owner. Failure to correct deficiencies in the allotted time may result in suspension or revocation of the Conditional Use Permit by the approving body using the same public notice and hearing procedures as used for the approval of the permit.
3. A transient rental as defined by this code shall be a dwelling unit occupied for not more than thirty (30) days located in a residential zoning district. A transient rental shall not change the residential character of the neighborhood nor adversely affect neighboring properties or diminish the character of the neighborhood beyond what a typical residential uses impact. No more than one (1) transient rental shall be allowed on each property.
4. As part of the approval of a permit there may be limits to the duration of use if the street and/or road used to 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 and the Zoning Administrator shall notify the Applicant of noncompliance.
5. The occupancy limit shall be determined at the ratio of one (1) person for every two hundred and fifty (250) square feet for structures that are connected to the Fremont County Sewer District. For structures connected to a septic system the occupancy limit shall be the number of occupants assigned by the Idaho Public Health Department after a review of the existing septic system.
6. A public information sign must be posted in a conspicuous place, where a neighbor can easily read it, with contact information of a responsible person or agent within a thirty (30) minute drive from the property

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:

- a. Approved occupancy limit of the transient rental use and the amount of required off-street parking.
  - b. Requirements for solid waste of this Code;
  - c. Emergency Services 911.
7. The transient rental use shall not encroach into any setback or designated open space areas.
8. Year-round off-street parking shall not interfere with access and/or use of a street or road (including public street rights-of-way and private road rights-of-way). There shall be off-street parking, as follows:
- a. Parking Spaces required: One (1) per three (3) allowable occupants, with a minimum of two. Each space shall be a minimum of ten feet (10') by twenty feet (20'). All parking areas shall provide on-site turnarounds for all off-street parking spaces and loading facilities.
  - b. 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;
  - c. Off-street parking spaces, maneuvering areas, and access routes shall be accessible at all times of use;
  - d. 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;
9. If a recreation vehicle as defined in this code will be permitted to be parked on the lot of a transient rental, the following are required:
- a. Trailer parking and maneuvering areas: One (1) per bedroom. Each space shall be a minimum of ten feet (10') width by sixty feet (60') 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. Motor home parking and maneuvering areas: Each space shall be a minimum of ten (10) feet in width by forty-five feet (45') in length. Triple towing and parking require a total combined length that does not exceed seventy-five feet (75') 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;
  - c. 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
  - d. If a enclosed trailer(s), as used for the hauling of ATVs and snowmachines and/or recreation vehicle(s) are proposed to be parked, the owner as part of the application submittal documentation, shall state that trailer(s) and/or motor home(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.
  - e. A recreation vehicle as defined in this code shall not be permitted to be occupied on a lot where the residence is used as a transient rental.
10. Pursuant to section 3-14 of this code, solid waste shall be stored in an enclosed building or in a certified bear resistant containers,
11. Any fire pit shall meet the requirements of a "fire pit" as defined in Chapter 8.

12. 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.
13. If approved, the City Clerk shall record the approval with the Fremont County Recorder within ten (10) day of the date of approval.
14. A transient rental permit is issued to a specific owner of a dwelling unit. The permit shall be revoked when the permit holder sells or transfers the real property.
15. Failure to obtain a permit and/or business license from the City will result in a fine as listed on the City's fee schedule that may be changed from time to time.

(VV) Wind Energy System, Small.

1. Small Wind Energy Systems containing not more than two (2) wind towers shall be permitted on each lot or parcel.
2. 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
  - e. 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. 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. Except as required by the FAA, towers and wind turbines shall not be artificially lit.
  - e. 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 Zones shall be limited to monopole towers.
  - f. 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. A wind energy system including the tower shall comply with the latest Fremont County 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. 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 shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as Small Wind Energy System.
- j. 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.

## **Chapter 3**

### **Development Design Standards**

- 3-1: Purpose
- 3-2: Applicability
- 3-3: General Provisions
- 3-4: Dimensional Standards
- 3-5: Parking Requirements.
- 3-6: Access and Roadway Standards.
- 3-7: Landscaping Standards.
- 3-8: Buffering and Screening Standards.
- 3-9: Exterior Lighting Standards.
- 3-10: Sound and Noise Standards.
- 3-11: Utility Requirements.
- 3-12: Storm Water and erosion Control Requirements.
- 3-13: Solid Waste Disposal Standards.
- 3-11: Natural Resource Protection Requirements.

#### **3-1: PURPOSE.**

The provisions of this Chapter are intended to ensure the location and development of properties protects the public health, safety and general welfare of the City, property values and rights of all citizens, and community assets and natural resources.

#### **3-2: APPLICABILITY.**

- (A) No person, business, or public agency shall construct, alter, move, or change the use of a structure or property and undertake any development unless:
1. The proposed use, structure, or division of property complies with this Code;
  2. Residential developments must apply for a Residential Zoning Permit and may not proceed to obtain a building permit from Fremont County until approval is obtained through the proper application process, as provided in Chapter 7, and any applicable conditions of such approval are met; and
  3. Commercial developments must apply for a Commercial Zoning Permit and may not proceed to obtain a building permit from Fremont County until approval is obtained through the proper application process, as provided in Chapter 7, and any applicable conditions of such approval are met.
- (B) The provisions of this Chapter shall apply to all development in all Zones occurring after the passage of this Zoning Code. For development within an Overlay, the provisions of Chapter 4 Overlays may supplant the provisions of this Chapter.
- (C) Regulations in this Chapter are the minimum standards for development. Specific uses may require additional standards as described in Chapter 2 Land Use Regulations.

#### **3-3: GENERAL PROVISIONS.**

(A) Off-Site Infrastructure Improvements. Off-site infrastructure 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 requirements of this Code.

- (B) **Parcels Below the Minimum Area Requirements.** No parcel of land which has less than the minimum width and area requirements for the Zone in which it is located shall be separated from a larger part of land for the purpose of creating a building lot.
- (C) **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.
- (D) **Electrical Disturbance.** No development or on-going land use shall create electrical interference that adversely affects other uses.
- (E) **Construction Requirements.** While a property is under construction the activities shall meet the following restrictions:
1. Work hours 7:00 AM to 7:00 PM.
  2. Dust control measures must be used.
  3. 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.
  4. Each lot owner and/or builder shall provide for the containment and removal of trash and rubbish from the premises.
  5. Notice to surrounding area property owners if blasting or other unusually loud activities will occur.
  6. Temporary dangerous conditions must be clearly designated and barrier blocking installed.
  7. All developments under construction shall provide at least one (1) portable rest room for the use of construction workers on site.
- (F) **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 Code. The Planning and Zoning Commission may recommend and the City Council may approve exceptions for minimal uses.
- (G) **Restroom Facilities.**
1. All commercial developments shall be required to provide a restroom facility on-site. Requirements for this section shall be determined by the occupancy of each commercial business as required in the adopted building codes of Fremont County.
  2. The use of portable restrooms may be allowed for commercial businesses during special/temporary events. Portable restrooms allowed during an event shall be removed from the premises within two (2) working days after the special/temporary event.
- (H) **Construction Fencing.** A construction fence shall be constructed on all new building construction. Fencing shall surround the entirety of the area of construction and be maintained until completion of the project.
- (I) **Roadway Repairs.** Any trenches or other damage to roadways due to construction shall be repaired within thirty (30) days of the trenching or damage to a roadway. This requirement includes damage done as a result of the use of heavy construction equipment. Road shall be built back to the standards in this code for construction of roadways.

### 3-4 COMMERCIAL ARCHITECTURAL DESIGN STANDARDS.

(A) Purpose. The purpose of establishing commercial architectural design standards is to preserve a sense of place and destination that promotes the historic tradition of the City. The design standards are to encourage the design of high-quality developments that will enhance the rustic resort character of the City and ensure compatibility with existing structures and neighboring properties.

(B) Applicability. All applications for multi-family and commercial developments, including but not limited to erection, reconstruction, alteration or restoration of a buildings, structure, or exterior architectural feature or finish shall the meet the requirements established in this Section.

(C) Standards

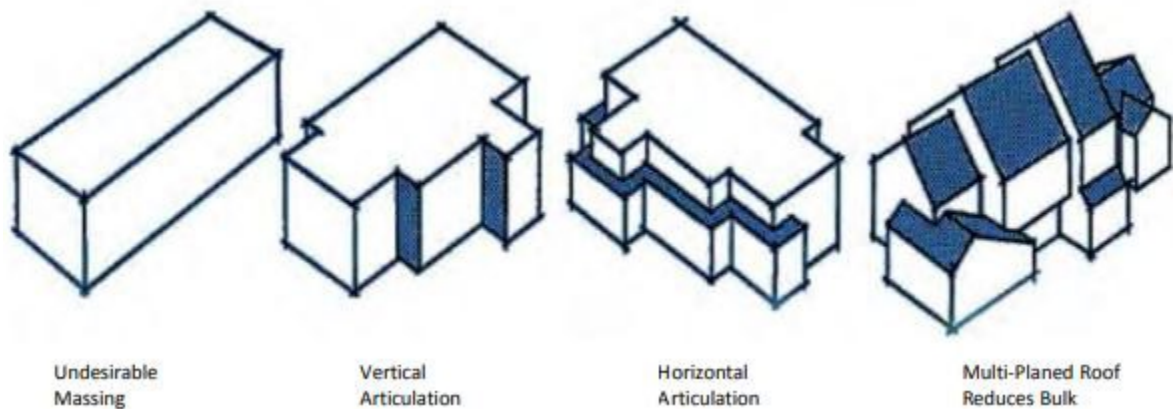
1. Open space should permeate commercial developments in Island Park. Clusters of buildings related by the use of open space and architectural design are appropriate.
2. Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large commercial buildings and provide visual interest that will enhance the mountain environment of the community.
3. New commercial development should be planned with respect for views from adjoining properties, public spaces and roads. Perimeter landscaping should be provided to buffer any change of zone.
4. Exterior Material and Colors: Façade colors shall be low reflectance, in subtle, neutral or earth tone colors. Siding and façade materials should be wood look materials, rock/stone look materials or natural wood and rock/stone in natural colors consistent to the local area.
5. Building Design: New buildings must be designed to include common features and materials. These features create a prevalent character for the City. The City encourages innovative design in rustic architectural designs.
  - a. Developments with a façade including sides and backs of a structure with visibility from a public/private street, other facility or parking lot shall incorporate wall projections or recesses a minimum of two (2) feet in depth and a minimum of eight (8) contiguous feet for each thirty-two (32) feet of length.
  - b. The following examples of features and materials may include:
    1. Gabled roofs, Cross Gabled Roofs
    2. Timber-frame style construction
    3. Rustic style Entries & Windows
    4. Wood or 'wood like' exterior in natural colors
    5. Stone cladding
    6. Rustic Style Light Fixtures
    7. Awnings/ Pergolas
    8. Chimneys, rock or wood covered
    9. Lighting
    10. Display windows
    11. Covered entry ways or overhangs
  - c. Façade Articulation: Buildings designed with completely flat facades and monotone color schemes are not permitted. All buildings are required to have horizontal and vertical façade variations such as pop-outs, bays, recesses, arches, banding, columns, or similar features. Such features are required at least every thirty-two feet (32') along all exterior wall planes.

- d. Massing: Proper massing reduces the impact of the massive bulk created by large buildings that may not otherwise relate in scale to surrounding development.

Vertical articulation, horizontal articulation, and multi-planed roof or awnings must be used in designs to mitigate the impact on surrounding development and the overall landscape.

Height and Roofline: Varied roofline elevations are required in order to add architectural interest and avoid the appearance or sense of long, monotonous roofline expanses. Mechanical equipment mounted on the roof must be screened and the back of any parapets or towers must match the color and materials of the building.

The examples below are near the same density of units per acre and building height, but the far right example's massing reduces the impact and bulk of the building more effectively than the far left example.



- e. Fenestration is the arrangement of windows and doors. Calculation of fenestration shall exclude non-transparent parts such as lintels, frames, and sills. For upper floors, required fenestration shall be calculated individually for each floor.

Commercial Use. This Code requires that ground floor street frontages have at least 50% fenestration, unless otherwise required by the Building Frontage Type. Upper floor fenestration shall have a minimum of 20% fenestration for each floor. Calculation of fenestration shall exclude non-transparent parts such as lintels, frames, and sills. For upper floors, required fenestration shall be calculated individually for each floor.

- f. Building Accessory items & Utilities. The following shall be located in rear yards or side yards:
1. Air Conditioning Compressors, unless a VTAC style HVAC;
  2. Irrigation and pool pumps;
  3. Utility Equipment;
  4. Generators;
  5. Antennas and Satellite dish antennas.
  6. Permanent Barbecues; and
  7. Refuse enclosures.
  8. Public utility boxes, meters, etc.

6. Parking lots and outdoor storage should be buffered from public view by leaving existing vegetation, especially trees, in place or installing landscape buffers. Outdoor storage must comply with Section 3-9, Screening and Buffering Standards



7. Landscape buffers and landscaping shall comply with sections 3-8 and 3-9 of this code.
8. Outdoor lighting should be designed to limit its nuisance potential and competition with the night sky.
9. Signs should complement the traditional resort style of Island Park. They should be kept in scale with the building or use they advertise and be made or natural colors. The number and size of signs should be limited to ensure that each business is able to present a clear message to the traveling public.

(D) Architectural Design Review Approvals. The approval of all Commercial Zoning Permits requires an approval of the Architectural Design Review conducted by the Planning and Zoning Commission as outlined in Chapter 7 of this Code.

**3-5: DIMENSIONAL STANDARDS.**

(A) Dimensional Standards. Table 3-1 Dimensional Standards for Development shall be used for determining the minimum site area, minimum site width measured at the setback line, minimum setbacks, maximum building height, maximum lot coverage and maximum gross density in each zone.

Table 3-1: Dimensional Standards for Development

<b>Development Standard</b>	<b>R1 Zone*</b>	<b>R2</b>	<b>Commercial Zone**</b>
Minimum Lot Size	.5 acres	.5 acres	N/A
Maximum Density in units/acre	2	8	
<b>Setbacks – Minimum in ft.</b> (All setback requirements are from the property line)			
Front or Adjacent to Arterial Streets	50	50	30
Front or Adjacent to Local Streets	30	30	30
Side	20	20	0/30**
Rear	30	30	0/30**
<b>Building Size</b>			
Maximum Lot Coverage	50%	80%	80%
Maximum Building Height in ft.	35	35	35
* See additional Residential Zone requirements in Section 3-5.B			
** See additional Commercial Zone requirements in Section 3-5.C			

(B) Additional Standards for the Residential Zone.

1. No required setback or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with provisions of this Code shall be considered as providing a setback or open space for any other building, nor shall any setback or other required open space on a contiguous lot be considered as providing the setback or open space whereon a building is to be created or established except as otherwise permitted by this Code.

2. Where lots developed with structures comprise more than fifty percent (50%) or more of any residential subdivision, and where recorded covenants do not dictate front, side, and rear setbacks, single-family dwellings may be found compatible when the proposed location of a single-family dwelling is consistent with previous surrounding development. It shall be the responsibility of the property owner to demonstrate compatibility with this exception by providing the Zoning 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 Zoning Administrator may find the proposed development is compatible.

(C) Additional Standards for the Commercial Zone.

1. Required setbacks for a property in the Commercial Zone which is adjacent to or across a right-of-way or easement of a property that is a Residential Zone or use shall be subject to additional landscape requirements and/or buffering. See sections 3-8 and 3-9. Requirements shall be determined pursuant to the Commercial Architectural Design Standards review in section 3-4.

### **3-6: PARKING REQUIREMENTS.**

(A) General Standards.

1. Off-street parking and loading spaces shall be provided with and on the same lot as the use that the parking serves, except as otherwise allowed in this Code.
2. A change of use or occupancy, or the intensification of use of any building shall require additional off-street parking as set forth in this Section.
3. The Planning and Zoning Commission may recommend approval off-street commercial parking provided on a separate lot or parcel if:
  - a. The distance between the off-street parking on a separate lot or parcel is within six hundred feet (600') of the main entrance to a commercial use for which the parking is intended to serve.
  - b. The owner or lessee of the secondary lot, guarantees the availability of said lot for a minimum of ten (10) years, The off-street parking agreement on the separate lot or parcel shall be in writing, and the written guarantee is submitted with the Zoning Permit application. No lot that has been guaranteed for parking of another lot shall be allowed to be developed in a way that would reduce the parking required by the guaranteed amount without a new parking lot agreement in place to provide all needed parking for the original commercial use.
  - c. All shared off-street parking spaces shall provide pedestrian access to the building entrance by way of pedestrian alleys and passages, or by way of public sidewalks in the streetscape.
  - d. All shared off-street parking areas shall be required to meet the requirements of section 3-8 Landscape Requirements and section 3-9 Screening and Buffering Standards.
4. Off-street parking and loading facilities as existed as of the date of this ordinance shall not be further reduced unless substitute off-street parking and loading space is provided which complies with the provisions of this Section.
5. Off-street parking or loading facilities are allowed in excess of those required by this Code, provided that the facilities comply with all the other regulations of this Section.
6. Required off-street parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use and shall not be reduced or encroached upon in any manner, except during special events.

7. Maintenance of the required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring such vehicle parking or vehicle loading facilities continues.
8. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required off-street parking or loading facilities without providing other off-street parking or loading area that meets the requirements of this Code.
9. 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 be not 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.
  - a. 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.

**(B) Parking Requirements**

1. The type of use shall use Table 3-2 Off-Street Parking Requirements to determine the number of required off-street parking spaces. Most land uses fall within two (2) categories: residential and commercial. There is one (1) general parking standard for these categories. If a specific land use classification is called out in the table, a special parking standard for that classification shall apply as indicated in the table.
2. The required off-street parking for any use not listed in Table 3-2 Off-street Parking Requirements shall be determined by the Zoning Administrator, utilizing comparison of uses that are listed.
3. When determination of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of one-half (1/2) or more shall be counted as one (1) required parking space.
4. For uses in which benches or pews are used in place of seats, each eighteen inches (18”) of length of such benches or pews shall be counted as the equivalent of one (1) seat.
5. For all residential uses, the off-street parking area required shall be enclosed in a garage or carport, or open parking and yard areas of at least ten feet (10’) by twenty feet (20’) at a minimum in space.
6. For all commercial uses, one (1) off-street parking space for each service or delivery vehicles housed at the site shall be required, in addition to the parking requirements set forth in Table 3-2 Off-street Parking Requirements.

**(C) Shared Parking.**

1. Two (2) or more buildings or uses may share the same off-street parking area(s). Where parking areas are shared, the total number of off-street parking spaces provided shall not be less than the sum of the parking space requirements imposed by this Code for all buildings or uses served by shared parking, except where a reduction in parking space requirements is permitted as set forth below.
2. The Zoning Administrator may authorize a reduction from the off-street parking requirements when it has been demonstrated that the total of parking spaces for multiple uses is not needed, using the criteria set forth in this Chapter.

**(D) Passenger Loading Areas.**

1. Day care centers, preschools, public schools, and places for public assembly shall provide at least one (1) safe off-street passenger loading area. Such areas shall:

- a. Be located where there is adequate visibility for their safe use and;
- b. Be divided from the road by a curbed barrier of at least four feet (4') in width;
- c. Be at least sixty feet (60') in length and twelve feet (12') wide;
- d. Accommodate one (1) way traffic only;
- e. Comply with the American with Disabilities Act design guidelines; and
- f. Be marked by pedestrian crossing signs facing both traffic lanes.

(E) Off-Street Loading Areas.

- 1. 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 ft<sup>2</sup>) 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 ft<sup>2</sup>) 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.
- 2. No off-street loading area shall be located in any fire lane, off-street parking space(s) or off-street parking aisles.
- 3. 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.

(F) Off-Street Parking Design Standards.

- 1. 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.

Table 3-2: Off-Street Parking Requirements

USES	SPACES
Residential	2 per unit
Boarding and Rooming houses	.5 per bedroom
Dwelling Multi-unit .	1 per bedroom but no more than 2 per unit, plus .25 per dwelling for guest parking.
Transient Rental	1 per 3 maximum occupancy or 2 per 3 maximum occupancy for multi-unit dwellings
Residential Care Facility	1 per 3 sleeping rooms
Commercial	3 per 1000 ft <sup>2</sup>
Amusement or Recreation Facility, Indoor	5 per 1000 ft <sup>2</sup>
Amusement or Recreation Facility, Outdoor	20 per acre
Campground/Recreational Vehicle/Cabin Park	2 per campsite, plus 1 per employee on the largest shift

Contractor's Yard or Shop	1 per 1000 ft <sup>2</sup> , plus 1 per employee
Daycare	1 per employee at full occupancy
Eating and Drinking Establishment	5 per 1000 ft <sup>2</sup>
Health Care and Social Services	5 per 1000 ft <sup>2</sup>
Hospital	2 per bed
Hotel or Motel	1 per sleeping room, plus 1 per employee on the largest shift (assembly space is calculated separately)
Elementary and Junior High Schools	1 per classroom plus 5 in addition
High Schools	1 per 5 students
Place of Assembly (including clubs, entertainment and cultural facilities, religious institutions)	1 per 8 fixed seats and/or for every 35 ft <sup>2</sup>
Produce Stand	1 per 200 ft <sup>2</sup> , plus 4
Public Service Facilities	No space is required for facilities requiring only occasional maintenance with no on-site employees. 1 per 2 employees on the largest shift or 1 per 600 ft <sup>2</sup> of office space whichever is greater.
Vehicle and Equipment Sales	1 per 1,200 ft <sup>2</sup>
Warehouse or Manufacturing	1.5 per employee on the largest shift

2. Parking lot dimensions shall be as follows:

- a. A parking stall shall be constructed at a size of ten feet (10') wide by twenty feet (20') long.
- b. 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.
- c. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.
- d. Parking areas shall be designed to allow access to all parts of the parking area without accessing a public road.

3. There shall be safe pedestrian access around or through all parking and loading areas and such areas shall be clearly marked.

### **3-7: ACCESS AND ROADWAY STANDARDS.**

#### **(A) Access to Off-Street Parking and Loading Areas.**

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 feet (300'). However, the City Council may approve accesses that are separated by less than three hundred feet (300') 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. Commercial development shall take direct access from an arterial road, frontage road or highway. Direct access to Highway 20 should be discouraged whenever possible. 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.
5. 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 without approval from the Idaho Transportation Department.
  - c. No access driveway shall be within twenty-four feet (24') of any intersection or alley or ten feet (10') 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 feet (60') of an intersection of the arterial road and a local street, or two hundred feet (200') of an intersection of two (2) arterial roads.
  - e. 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%).
  - f. Where culverts are required for drainage, access driveways shall be constructed over a minimum twelve-inch (12") culvert capable of supporting a load of eighty thousand (80,000) pounds.

#### **(B) Access to Public Lands.**

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.
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 trail to the following standards:
  - a. Must be minimum width of twenty-two feet (22');
  - 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.

(C) Clear Sight Vision Distance.

1. Street intersections. The clear vision triangle includes the area defined by the right-of-way lines or right-of-way/easement lines of the intersecting streets measured to a point on each line thirty feet (30') from the point of intersection, and the straight line that connects the two points, creating the third side of the triangle.
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 feet (15') 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 feet (3') in height above the adjoining roads shall be permitted within a clear vision triangle.
4. Trees or signs shall be permitted in clear vision triangles, but only if all branches and signs are removed to a height of at least seven feet (7') above the grade of the adjoining roads.

(D) Road Construction Design and Performance Standards. The purpose of this ordinance is to provide standards for the construction or re-construction of roads.

1. Jurisdiction. State highways are the responsibility of the Idaho Transportation Department and the design and construction standards of ITD shall apply to such highways. Fremont County roads and streets are the responsibility of Fremont County and the design and construction standards of Fremont County shall apply to such roads and streets. Streets in the corporate limits of the City of Island Park shall be private roadways/streets unless they are under the jurisdiction of the Idaho Transportation Department or Fremont County.
2. Acceptance and Maintenance Responsibility. Nothing in this ordinance shall imply acceptance of a street or roadway by the City of Island Park for maintenance or other purposes.
3. 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.
4. Subdivision and Planned Unit Development roads may be public rights-of-way or private rights-of-way, as determined through the subdivision or Planned Unit Development application process.
5. Minimize Environmental Impacts.
  - a. Road layouts shall follow the natural contours when possible, minimize cuts and fills, and avoid excessive runoff concentrations and other negative environmental impacts.
  - b. 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 build-able 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.
  - c. 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.
  - d. Roads shall be designed to avoid visually sensitive areas and to locate development along the rear and/or side edges of visually sensitive areas.

6. Construction Standards. All new and reconstructed private roadways shall comply with the following construction standard:
  - a. 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 Zoning 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. Dimensions.
    - i. Public or private right-of-way widths of sixty feet (60');
    - ii. Driving surface width of twenty-four feet (24'); and
    - iii. Shoulder width of at least two feet (2') 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 feet (60') shall be allowed to maintain the existing right-of-way or easement.
  - c. 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.
  - d. The right-of-way shall be monumented in accordance with Idaho State statutes.
  - e. Surface Construction. Road surfaces shall be laid over a properly compacted sub-grade and consist of:
    - i. A sub-base of a minimum six inches (6") of coarse aggregate, compacted to engineers' specifications; and
    - ii. A base of a minimum two inches (2") of crushed aggregate, compacted to engineers' specifications; and
    - iii. Must be finished with a minimum of four inches (4") of crushed aggregate, compacted to the engineer's specifications.
  - f. 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 off 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.
  - g. The maximum grade of any road shall be ten percent (10%).
  - h. Cul-de-sacs/Dead-end Street.
    - i. Cul-de-sacs may be used, with the maximum length six hundred sixty feet (660') and a terminus with a radius of sixty feet (60') of maintained road surface.
    - ii. 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 or turn around shall be provided wherever a temporary dead-end street serves four (4) or more lots.
    - iii. All cul-de-sacs and dead-end roadways shall meet the requirements set forth in the most current International Fire Code as adopted by the governing agency. Governing section is Appendix D of the 2018 International Fire Code, Appendix D, Fire Apparatus Access Roads or any subsequent International Fire Code that may be adopted by the governing authority.



- iv. All approved cul-de-sacs and/or dead-end streets shall be maintained throughout the year with the property owners providing necessary maintenance and snow removal.i. The minimum centerline radius of all curves shall be one hundred feet (100’).
  - j. 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 feet (50’) of the intersecting road right-of-way lines.
  - k. 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 feet (50’) measured from the intersecting right-of-way lines.
  - l. The minimum off set between road surface center lines shall be one hundred twenty-five feet (125’), except for intersections with arterial roads, in which case the offset shall be a minimum of two hundred feet (200’) or as determined by Idaho Transportation Department.
6. The developer shall install stop signs at all intersections with public/private and 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.
  7. 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.
  8. 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 Corps 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 foot (50’) straight approach to all bridges.

**3-8: LANDSCAPING STANDARDS.**

Landscaping requirements shall promote hardscape and softscape layouts with cohesive planting plans and irrigation that support the continued growth and viability of the design. Landscapes should be designed to reduce heat, noise and glare through proper placement of plants, trees and water features. Planting should use native species that favor the local soil PH and encourage low water use. Landscapes that require high water use due to type or volume should be discouraged unless necessary to meet screening or buffering requirements.

**(A) General Standards.**

1. Landscaping Materials. Shall be shown and detailed on all architectural design requirements.

- a. For the purposes of this section , 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, ground covers, irrigation systems and grade work such as berms, and swales.
  - b. Existing trees, native vegetation, and rare plants shall be retained wherever possible.
    - i. Existing native vegetation may be accepted in lieu of new planting, provided they contribute to achieving the intent of this section. ii. To control erosion and soil loss, the existing vegetation shall only be removed from the current phase of the project.
    - iii. Erosion control shall also include ground cover in all required landscaping areas. Examples of ground cover may include low growing greenery, rock material, or bark.
  2. Landscaped areas shall incorporate a hierarchy of planting 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.
  3. Expanses of any walls or solid fences that are greater than one hundred feet (100') along a roadway shall be interrupted with off sets 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.
  4. Installation of required landscaping shall be the responsibility of the property owner.
  5. All plant materials shall be planted according to industry standards, using acceptable topsoil and automatically controlled irrigation system(s) as set forth below.
  6. The following minimum plant sizes shall be required at time of planting:
    - a. Shade tree two-inch (2") caliper, the trunk diameter as measured 6 inches above ground level.
    - b. Evergreen tree seven feet six inches (7'-6") in height.
    - c. Shrub five (5) gallon container.
    - d. Perennial grasses one (1) gallon container.
  7. All landscaped areas shall be provided with an automated underground irrigation system of such design and capacity to satisfactorily serve the landscaped areas.
- (B) Maintenance and Replacement. 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 Zoning Administrator may extend this time frame if weather and/or snow cover prevents compliance. There shall be a written deadline provided to meet the requirements of this section whenever an extension is given.
- (C) Exceptions. 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.
- (D) Extensions. Landscaping and screening shall be installed to the satisfaction of the Zoning 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. Any development approved prior to August 1, shall be in compliance with the requirements prior to the certificate of occupancy, unless approved in writing by the Zoning Administrator with complete and detailed requirements for completion within the next growing season as the certificate is approved. The Zoning Administrator may extend the time limit for compliance up to one additional planting season after issuance of a certificate of occupancy when circumstances beyond the control of the applicant or owner warrant an extension. A warranty and performance surety shall be required for any extended time. There shall be a written deadline provided to meet the requirements of this section whenever an extension is given.

### **3-9: SCREENING AND BUFFERING STANDARDS.**

#### **(A) General Standards.**

1. Screening Elements. For the purposes of this section, 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 chain link fencing (with or without slats) shall not be deemed a screening material and shall not be allowed as part of the screening and buffering standards as set forth in this Section.
2. 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 and adjacent to the property and/or roadway to be buffered. Landscaping shall meet the requirements of Section 3-8, Landscaping Standards of this Code. .
3. Trash Dumpsters. Trash dumpsters shall be fenced with a solid material 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 Residential Zone or use. All dumpsters installed shall be certified and approved to be bear resistant.
4. Outdoor Storage Areas. All outdoor storage areas 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 outdoor storage area may be left unenclosed or unscreened, provided that the materials stored in the area shall be screened from a public roadway or an abutting Residentially Zone or use. Seasonal display of merchandise for sale or rent shall be allowed within an unscreened area during the selling/rental season of said merchandise. No seasonal merchandise or rentals shall remain after the season and no storage within the unscreened areas shall be allowed off season.
5. 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 planting around the loading areas or at the property line abutting the Residential Zone or use.

6. Berms. Berm slopes may be allowed as approved by the Planning and Zoning Commission as part of an architectural review. Consideration of height of berm and related planning shall be included as part of a presentation for architectural review. Where a berm is required and/or used for screening, the landscape plan shall incorporate vegetative materials along the length and adjacent to the property and/or roadway to be buffered. Landscaping shall meet the requirements of Section 3-8, Landscaping Standards of this Code.
7. Sound Walls. Sound walls shall meet all the following construction standards:
  - a. The wall shall be tall enough to break the line of sight from the noise emitter and the noise receiver on abutting property;
  - b. There shall be no break in the barrier between the noise emitter and the noise receiver on the abutting property;
    - i. 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.
    - ii. 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.
    - iii. 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.
    - iv. 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.
    - v. 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.
  - c. 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

(B) Perimeter Landscaping and Screening Standards. All development shall meet the required landscape points as outlined in Table 3-3: Residential Zone Perimeter Landscaping Requirements and Table 3-4: Commercial Zone Perimeter Landscaping Requirements.

1. Property lines that are adjacent to a roadway as identified by the Fremont County street map functional street classification system shall adhere to the following standards:
2. Required Number of Landscaped Points. Required number of landscaped units for each property line shall be based on the total length. The landscaping used to meet the required points may be distributed along the property line to enhance the natural feel of the development.

Table 3-3: Residential Zone Perimeter Landscaping Requirements

Classification Of Street or Development Abutting Subject Property	Minimum Depth Of Landscaped Area	Minimum Points Required Per 10 Linear Feet
Adjacent to a State Highway	50'	22
Adjacent to an Arterial, Collector, or Local Street	20'	12
Adjacent to a Private Street	0'	0'
Multi-family Residential Use Adjacent to a Single-Family Residential Use	20'	12
Adjacent to Other street types, including but not limited to, Marginal Access Streets (Frontage, Back Streets and Service Roads), or alleys.	6'	2

Table 3-4: Commercial Zone Perimeter Landscaping Requirements

Classification Of Street or Development Abutting Subject Property	Minimum Depth Of Landscaped Area	Minimum Points Required Per 10 Linear Feet
Adjacent to a State Highway	30'	18
Adjacent to an Arterial, Collector, or Local Street	20'	10
Adjacent to an existing Residential Zone or Use (*Refers to both abutting residential and/or separated by a public/private roadway)	30'*	18
Adjacent to Other street types, including but not limited to, Marginal Access Streets (Frontage, Back Streets and Service Roads), or alleys.	6'	2

Table 3-5: Landscape Element and Associated Point Values

Landscape Element	Unit Point Value
Shade tree (native), per tree	10
Shade tree (other), per tree	5
Evergreen tree, per tree	10
Shrub (native), per shrub	3
Shrub (other), per shrub	1
Flowering plants (perennial), per 5 plants	1
Berm, per 10 linear feet	
3-4 feet high	4
Above 4 feet to 8 feet high	6
Fence, per 10 linear feet	4
	(No points if a fence is required as part of the development)
Boulder with 3' or greater circumference, per boulder	1

3. Parking Area Landscaping and Screening Standards.

- a. The minimum perimeter landscaping for the parking area shall be as established in Section 3-4.
- 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').
- c. Trees shall be shown at seventy five percent (75%) maturity.
- d. 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").
- e. 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.

**3-10: EXTERIOR LIGHTING STANDARDS.**

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.

(A) General Standards: The following general standards shall apply to all exterior lighting:

- 1. 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.
- 2. All site plan applications shall include lighting plans showing location, type, and height and lumen output of all proposed and existing exterior lighting fixtures.
- 3. Photocells with timers that allow an exterior light 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. Flashing commercial holiday lights . are prohibited. Holiday lights are encouraged to be turned off after the close of business.
  6. Up-lighting for flags provided the flag is of a government is allowed however flags are encouraged to be taken down at sunset to avoid the need for lighting.
  7. Lighting of vegetation is discouraged but if used it shall be required to turn off by 11:00 PM.
  8. Luminaries used for playing fields shall be exempt from the height restriction provided all other provisions of this Code are met and the light is used only while the field is in use.
- (B) Shielded Lighting. All exterior illumination shall be shielded and directed downward so as not to produce direct glare on adjacent properties.
- (C) Commercial Zone Standards. No commercial use shall cause a level of illumination exceeding one-half (0.5) foot candles on any part of a contiguous residential area.
1. Sensor activated luminaries are allowed with the following restrictions:
    - a. It is located in such a manner as to prevent over-lighting, glare, light trespass onto abutting properties or onto a public right-of-way;
    - b. The luminance is set to only go on when activated and to go off within five minutes after activation has ceased;
    - c. The luminance shall not be triggered by activity off the property.
  2. Placement and Height of Luminaries.
    - a. Freestanding parking area luminaries on commercially zoned properties, multiple family residential developments, and public and quasi-public uses shall be no taller than twenty-five feet (25') from the ground to their tallest point.
    - b. Streetlights used on arterial roads may exceed twenty-five feet (25') 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 feet (25') 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.
    - c. Luminaries used for playing fields shall be exempt from the height restriction provided all other provisions of this Section are met and the light is used only while the field is in use.

### **3-11: SOUND AND NOISE STANDARDS.**

- (A) No development or on-going land use is permitted to exceed sixty-five (65) dba from 7:00 AM to 10:00 PM and fifty (50) dba from 10:00 PM to 7:00 AM measured at the property line of the lot or parcel.
1. Temporary Exception. The maximum sound levels may be exceeded by construction, landscaping and landscape maintenance, and other maintenance activities between 7:00 A.M. and 10:00 PM on normal business days.
  2. 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.

3. 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-weighted 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.
4. Burden of Proof. It shall be the sole burden of the complaining party to provide documented proof of an alleged violation of this Section to the City Clerk or Zoning Administrator.

### **3-12: UTILITY REQUIREMENTS.**

#### **(A) 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.

### **3-13: STORM WATER AND EROSION CONTROL REQUIREMENTS.**

#### **(A) Runoff and erosion Control. All site plan 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 civil 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. Said calculations shall be performed and certified by a Professional Engineer licensed by the State of Idaho;
  - 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; and
  - h. Areas and facilities on-site and down slope that are vulnerable to damage from accelerated or increased runoff.
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. Revegetation should be accomplished with natural grasses and wildflowers
- 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.

**3-14: SOLID WASTE DISPOSAL STANDARDS.** It is unlawful to accumulate or store garbage or attractants within the City of Island Park in any manner that allows bears access.

**(A) Residential Solid Waste Standards.**

- 1. All residential property shall be required to use International Grizzly Bear Committee (IGBC) certified bear-resistant garbage containers or containers that have passed the *Bear-Resistant Products Testing Program* (October 2005) if the attractants are not stored in a bear-resistant building or enclosure.
- 2. Residential property may, as an alternative to the above, place non-bear resistant garbage containers containing bear attractants out for garbage pickup after 8 a.m. on the morning of waste pickup. After waste pickup, the non-bear resistant garbage container must be resecured and stored inside an enclosed building or inside a bear resistant enclosure by 6 p.m. on the day of waste pickup.
- 3. It is recommended that birdfeeders be hung at least ten (10) feet from the ground, deck, railing or surface and four (4) feet from any structure, tree or limb and have a catch pan attached directly underneath the feed that is two (2) inches larger in diameter than the widest diameter of the feeder itself.

**(B) Commercial Solid Waste Standards.** 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:

- 1. All commercial property shall be required to use certified bear-resistant garbage containers/dumpsters that have passed the *Bear-Resistant Products Testing Program* (October 2005) or else use a bear-resistant building or enclosure in which garbage containers are to be always stored inside this enclosure.
- 2. All commercial property doing business as a food/drink preparation and service facility shall be required to store grease bins, and stored foods inside a bear-resistant building or enclosure.

**3-15: NATURAL RESOURCE PROTECTION REQUIREMENTS.** It shall be the responsibility of the applicant to provide all information relating to this section. The application shall provide documentation of any mitigation requirements and/or if no mitigation is required a letter from the relevant agency confirming that mitigation is not required within the development proposed. All requirements from the

**agencies shall be a required part of any approval of a development. No development shall be presented for hearing or approval that has not met the requirements of this section and obtained letters and/or plans meeting the requirements of each agency listed below. Any mitigation required by the prospective agencies shall be shown and/or clearly explained on the required architectural design plan.**

(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 most current list of the endangered species act of 1973, species of greatest conservation need as listed within IDF&G's most current 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. Site plan applications for development on land that is in or adjoining a designated critical plant or wildlife habitat area or migration corridor as indicated on the Critical Wildlife Maps. shall include a plant and wildlife survey and prepare a Plant and Wildlife Protection Plan.
2. Plant and Wildlife Survey. The plant and wildlife survey shall be prepared by 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. This survey shall include:
  - a. Species listed as threatened or endangered on the endangered species act of 1973;
  - b. Species of greatest conservation need as listed within IDF&G's most current Idaho comprehensive wildlife conservation strategy, or defined within references used by IDF&G and other professional sources;
  - c. Critical wildlife habitat and wildlife migration corridors as determined by the Idaho Department of Fish and Game;
  - d. Current and historical observation and documentation of listed plants and animals using the property;
  - e. 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.
3. 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 the following components:
  - a. Identify the critical plant and wildlife habitat area, the principal species present, and species used as "indicators" in the habitat protection plan.
  - b. 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.
  - c. Show how land disturbance will be minimized in order to maximize retention of large habitat patches.
  - d. 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.
  - e. 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;
  - f. An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off site;

- g. A list of proposed mitigation measures and an analysis of the probability of success of such measures;
  - h. A plan for implementation, maintenance and monitoring of mitigation measures;
  - i. A demonstration of prohibition of wildlife feeding;
  - j. A plan for any relevant enhancement or restoration measures, including noxious weed eradication and control; and
  - k. 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. Performance Standards. All development on land in or adjacent to critical wildlife areas shall comply with the following performance standards:
- a. 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.
  - b. 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.
  - c. No development shall occur within three hundred feet (300') of a trumpeter swan nest or as identified on the Wildlife Protection Plan.
  - d. No development shall occur within one hundred fifty feet (150') 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.
  - e. No development shall occur within three hundred feet (300') of an active or inactive bald eagle nest as identified on the Wildlife Protection Plan.
  - f. All newly installed or replaced fencing shall be wildlife friendly by complying with the following standards:
    - i. The fence shall not exceed thirty-eight inches (38") in height.
    - ii. The spacing between the top two (2) wires or the top rail and adjacent wire shall be at least twelve inches (12").
    - iii. Barbed wire shall not be used for the top or bottom strand and may be used only for middle strands.
    - iv. The bottom rail or wire shall be at least sixteen inches (16") above ground.
    - v. 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 inches (38") to allow wildlife movement.
    - vi. Special purpose fencing may be exempted from these standards by the Zoning Administrator or for dog kennels, agricultural fencing, swimming pool enclosure, construction site security, refuse screening and similar specialized needs.

(B) Critical Areas-Wetlands.

- 1. All developments shall demonstrate compliance with all State and Federal wetland protection requirements and permitting.
- 2. Wetlands may be modified for necessary utility lines, roads, and trails provided that the required State and Federal permits are obtained.

3. Site plan applications for development on land that is in or adjoining a designated wetland as indicated on the Wetland Maps and shall conduct a Wetland Survey and prepare a Wetland Protection Plan. For properties not within a designated wetland the developer shall provide a copy of the Wetland Protection Map indicating the location of the property or a letter from the agency stating the property is outside wetlands.
4. Wetlands Survey. A Wetland Survey shall include, current and historical observation and documentation of the site using a USGS (US Geological Survey) approved methodology. A wetlands survey shall be prepared 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.
5. Wetlands Protection Plan. A Wetlands Protection Plan shall be prepared 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.

(C) 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 feet (75') 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.
2. 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.
3. 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 feet (24') of stream or lake frontage, whichever is more restrictive. All applicable State and Federal permits required for the disturbance of stream channels or lake beds shall be obtained.
4. Commercial marinas may be permitted to exceed the ten percent (10%) or twenty-four feet (24') limitation stated above with docks, piers, boat ramps, and boat slips provided that:
  - a. All parking, other uses and structures that do not require direct access to the water shall comply with the setback;
  - b. 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;
  - c. 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.
  - d. The development setbacks required here shall be clearly shown on final site plans and final plats.

(D) 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.
  - a. Exemptions.
    - i. 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 Section; and
    - ii. Roads, utility transmission corridors, utility easements may be exempt, but the number and width of such crossings shall be minimized. Regardless of any exemption allowed in this Section, adequate drainage shall be provided.
3. Additional Application Requirements. In addition to the requirements of development as outlined in this Code, proposals that have slopes greater than fifteen percent (15%) grade shall provide:
  - a. A Preliminary Grading Plan that 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 Section. The following items shall be included in the preliminary grading plan:
    - i. Contour lines at five-foot (5') intervals;
    - ii. The location of all proposed or existing structures and roads;
    - iii. Any areas of cut or fill;
    - iv. A written narrative by a licensed Civil Engineer indicating how the proposed design will sufficiently meet the requirement to protect the health, safety, and welfare of the public. Including the stabilization of slopes and other safety issues.

## **Chapter 4**

### **Overlays**

4-1: Airport Overlay

4-2: Planned Unit Development (PUD) Overlay

#### **4-1: AIRPORT OVERLAY.**

(A) Purpose. The purpose of the Airport Overlay (AO) 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 AOZ are compatible with the safe, continued use of the airport 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:

1. 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
2. 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.

(B) Height Limitation Zones. The AOZ 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 feet (250') wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') 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 feet (5,000') 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 feet (4,000').

(C) 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 feet (5,000') along the extended runway centerline.
2. Transitional Zones: Slope seven feet (7') 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 feet (150') 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 feet (150') above the airport elevation.
  4. Conical Zones: Slopes twenty feet (20') outward for each foot upward beginning at the edge of the horizontal zone and at one hundred fifty feet (150') above the airport elevation, and extending to a height of three hundred fifty feet (350') above the airport elevation.
  5. Exception from Height Limitations: Nothing in this ordinance shall prohibit the construction or maintenance of any structure of thirty feet (30') or less in height, or the growth of any tree to a height up to thirty feet (30') above the surface of the land within the horizontal and conical zones.
- (D) 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.
- (E) Variances-Additional Requirements. In addition to the variance procedure and standards established in this Code 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 this Code and, within the AOZ these additional requirements:
1. Nonconforming uses within the AOZ, may include trees, and shall be required to install, operate, and maintain any markers and/or lights the Zoning 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.

#### **4-2: PLANNED UNIT DEVELOPMENT OVERLAY.**

- (A) Purpose. The purpose of the PUD Overlay is to create a process to promote creativity in site design and protect and enhance natural and community features. The process is provided to encourage unique developments which will combine a mixture of uses. The PUD process permits departures from the conventional siting, setback, buffers etc. of a particular zoning district in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility. By using flexibility in the application of development standards, this process will promote developments that will benefit citizens that live, work and visit the community. A planned unit development shall be an overlay to the zoning of the requested property and may be granted in combined zones as needed. When approved a PUD Overlay should provide amenities for the neighborhood and community using allowances for buildings but then providing open spaces or amenities in exchange for the building allowances.

- (B) General Objectives.
1. To allow for the design of developments that are architecturally and environmentally innovative and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls. An application for a PUD may be applied for in any zoning district within the City.
  2. To encourage land development that, to the greatest extent possible preserves natural vegetation, respects natural topographic and geologic conditions, as well as addresses the critical areas of plant and wildlife habitats.
  3. To combine and coordinate architectural styles, building forms and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
  4. To provide for abundant, accessible and properly located open space, recreation space and other facilities.
  5. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
  6. To enable land developments to be compatible and congruous with adjacent and nearby land developments.
  7. To ensure that development occurs at proper locations away from environmentally sensitive areas and on land physically suited to construction.
  8. To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.
- (C) Dimensional and Use Restrictions. In acting upon the application, the Planning and Zoning Commission may recommend to the City Council, a requested modification to lot size, required facilities, buffers, open space areas, setback requirements, building size limits, off-street parking regulations, landscaping rules or other miscellaneous regulations where such regulations or changes are consistent with the intent of this section and the standard set forth herein.

The following restrictions shall apply to all PUD development within the City:

1. No residential building within a PUD shall have a side yard distance between buildings of less than six (6.0) feet.
  2. A minimum of forty (40.0) percent of required open space shall be dedicated as common use within the PUD and be maintained by a designated entity in control of the PUD. Allowable entities would include but not be limited to a homeowner's association or organization named in the deed of the PUD as the controlling body. Allowable open space shall include trail-ways, parks and dedicated landscaping including but not limited to dedicated sports facilities such as swimming pools, tennis courts or basketball courts.
  3. All allowable and calculated common use open space shall be under one ownership and/or meet the requirements the State of Idaho Condominium Act as defined in Idaho Statutes, Title 55, Chapter 15. Covenants defining ownership of common areas shall become a part of the Planned Unit Development (PUD) plan as approved by the City Council.
  4. Development within a non-residential or residential amenity areas of the PUD may be limited for development in relation to a percentage of residential development or be required to be developed at the same time as the residential portion. Limitations to non-residential development shall be set by a recommendation of the Planning and Zoning Commission and approved by the City Council.
- (D) Qualifying Conditions. A planned unit development is intended to accommodate developments; (a) with mixed or varied uses, (b) sites with unusual topography or unique settings within the community, or (c) on land which exhibits difficult and costly development problems. Approval will not be granted when the planned unit development is sought primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this Ordinance. Additionally, no planned unit



development shall be approved unless it appears that the land use and development meet the following standards:

1. That in the opinion of the Planning and Zoning Commission and the City Council, the use will be compatible with adjacent land use, the natural environment, and the available capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of the City residents.
2. All land for which application is made must be owned or under control of the applicant, the parcel must be capable of being planned and developed as one integral land use unit and shall contain no less than ten (10.0) acres.
3. The use and development is warranted by the design of additional amenities made possible with and incorporated by the development proposal.
4. The development maximizes useable open space.  
Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
5. Vehicular and pedestrian circulation, allowing safe, convenient, uncontested and well defined circulation within and access to the development shall be provided.
6. It is encouraged that existing important natural, historical and architectural features be preserved.
7. Seasonal and permanent workforce housing has been considered in the proposal.
8. Parks and/or playgrounds have been considered.

(E) PUD Application. A PUD application shall be submitted in two stages as described below: (Both stages (preliminary and final) shall follow the procedure for conditional use permit applications including public hearings which shall be held in compliance with the current requirements of the City and Title 67 of the State of Idaho.

1. Preliminary PUD Application Approval. The preliminary PUD application request shall include a conceptual plan showing the PUD boundaries; proposed areas for structure locations, existing and proposed utilities, parking areas, pedestrian and vehicular circulation, landscape massing, open spaces and their intended use, recreation facilities, and such other features as might be requested. A land use tabulation summary shall be provided of the plan indicating types of uses, acreage for each land use, number of units, densities and land use intensities. The conceptual plan shall show details of access to adjacent roadways and existing or future trail systems. Necessary requests for zone changes and/or necessary comprehensive plan changes shall be determined in this phase of the request. Any necessary changes shall be included in the next phase of the PUD Application Approval process.
2. Final PUD Application Approval. The final PUD application request shall include:
  - (a) A detail site plan showing the PUD boundaries, proposed structure locations, existing and proposed utilities, parking areas, pedestrian and vehicular circulation, landscape massing, mass grading, open spaces and their intended use, recreation facilities, and such other features as might be requested.
  - (b) A land use tabulation summary shall be provided of the plan indicating types of uses, acreage for each land use, number of units, densities and land use intensities.
  - (c) A description of the type, character and proposed use of all land and structures within the PUD including square feet per unit, floor area for each use type, height of all structures and any other information as required to describe the character of the proposed use or activity.
  - (d) Residential lots that meet the minimum size of the residential zoning within the PUD and containing a maximum of one residential main structure/living unit shall be shown on the final PUD application as a residential lot without final placement of residential building. Residential lots that are approved on the PUD final plan as a clustered home area must show on the PUD final plan with the maximum building envelope allowed per structure.
  - (e) All requirements of Section 3-15, Natural Resource Protection Requirements shall be met prior to the filing of a final plat approval.
  - (f) Additional Required Information: Upon request of the Zoning Administrator, Planning and Zoning Commission or the City Council, the applicant shall provide the following information:

- i. Developer intent and objectives (physical, social and environmental).
- ii. A description of all exterior building materials.
- iii. Projected Population profile for the development.
- iv. Impact of development on local streets (traffic study), natural features, schools and utilities.
- v. Such other information pertinent to the development or use.

Failure of the applicant to provide such requested information in a timely manner may be grounds for denial of the application.

3. Final Plat and PUD Recording. After an approval of the final PUD application the developer shall record a final plat showing all details of the PUD development including placement of building, roadways, trails and all information that would be a part of a final plat recording within the City. No building permits shall be issued for development within the PUD until all documentation has been filed and recorded at the Fremont County Recorder's Office and all documentation has been received in hard copy and electronic form at the City office from the developer.

- (F) Development Allowed Only as Approved. After approval of a PUD (planned unit development), the land to which it pertains shall be developed and used in its entirety only as authorized and described in the approving documents of the planned unit development.
- (G) Expiration of an approved Planned Unit Development. The PUD approval shall expire one year from date of final approval if the applicant has not recorded the final plat as approved. The City Council shall have the right to extend an order for one (1) additional year. After recording of the final plat the planned unit development approval shall continue indefinitely.
- (H) Amendments to a PUD. Any significant change to a PUD may require a public hearing as deemed necessary by a review of the requested change by the Planning and Zoning Commission. Relocation of buildings within the same zoning classification that results in no decrease of green space shall not be considered a significant change unless determined by the Planning and Zoning Commission to be a significant change.
- (I) Maintenance of Common Area, Greenspace and Other PUD Maintained Areas. It shall be the responsibility of the designated Home Owners Association or PUD Organization to maintain the common areas, greenspace areas and other PUD maintained areas within all PUD developments. In the event said Home Owners Association or PUD Organization or other responsible party fails to maintain said areas, the City may contract and/or do any necessary repair or maintenance. To allow for costs incurred by the City for said repair or maintenance, there shall be a charge of two (2) times the invoice or billed amounts for said repair or maintenance. Such costs shall be assessed as a lien against all privately owned parcels within the PUD on a square footage prorata basis against all individually owned property. Said lien may be collected separately from each property owner by the City and/or the same shall be attached to the real property tax roll assessment of each individually owned property.
- (J) Vacation of a PUD Final Plat. Any vacation request for a final plat of a PUD shall follow all City and Idaho State requirement for vacation of plats.

## Chapter 5 Subdivision Standards

- 5-1: Purpose
- 5-2: Boundary Line Adjustments
- 5-3: Preliminary Plats
- 5-4: Final Plats
- 5-5: Plat Amendments
- 5-6: Vacation or Partial Vacation of Plats

**5-1: PURPOSE.** The purpose of this Chapter is to:

- (A) Promote the public health, safety, and welfare;
- (B) Provide guidance for future development and growth to the City in accordance with the comprehensive plan;
- (C) Integrate existing streets and highways with proposed transportation plans and other related development of the City;
- (D) Assure safe and adequate transportation systems, water, sewers, storm drains, parks, school sites, and other public uses and facilities;
- (E) Establish reasonable standards of design and uniform procedures for the subdivision and re-subdivision of land.
- (F) Provide for orderly layout, monumenting and legal description of subdivided lands;
- (G) Provide for an orderly and expeditious method of processing applications for subdivisions and resubdivisions.

### **5-2: BOUNDARY LINE ADJUSTMENTS.**

(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) Application Process.

1. Boundary Line Adjustment Application. A Boundary Line Adjustment Application and associated fees, as set forth in the City fee schedule, shall be submitted to the Zoning Administrator on forms provided by the Zoning Administrator.
2. Time Limits. The applicant or owner shall have one (1) year to complete the requirements of a Boundary Line Adjustment Application or at such time the application will become expired and a new application must be submitted.
3. Required Standards. The application must meet all of the required standards identified in this Section prior to approval.
4. Issuance Of Approval Letter. Upon determination by the Zoning Administrator that the final property boundary adjustment is in conformance with this Chapter, the Zoning Administrator shall issue a letter stating the final approval for the property boundary adjustment.
5. Record of Survey. The property shall be surveyed and a record of survey recorded.
6. Deeds. The applicant shall execute and record the necessary deeds to accomplish the property boundary adjustments as approved.
7. Tax Parcel Numbers. The applicant shall obtain new tax parcel numbers from the Fremont County assessor.
8. Copies. The applicant shall provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the Zoning Administrator.

(C) Required Standards.

1. Property Size. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this ordinance.
  - a. 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.
2. Number of Lot or Parcels. A property boundary adjustment shall not increase the original number of lots or parcels.
3. Rights-of-Way and Easements. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.
4. Relocation of a Property. The property boundary adjustment shall not constitute a relocation of a property.
5. Platted Property. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.
6. Creating Noncompliance. The proposed property boundary adjustment shall not create any noncompliance with any requirements of this Code.

**5-3: PRELIMINARY PLATS.**

(A) Preliminary Plats. Preliminary plat approval to subdivide land shall be required when a proposed subdivision includes multiple phases of development, when the subdivision will be divided into several lots and blocks, when the application involves adjustments or realignments to the layout of existing public streets, when the plat proposes the dedication of new public rights-of-way or public facilities, and when directed by the Zoning Administrator. Approval of a preliminary plat does not constitute approval of the final plat. Actual subdivision does not occur until the final plat is approved and recorded with the Fremont County Recorder.

(B) Submittal and Review Process.

1. Prior to submitting an application for a Preliminary Plat, the applicant shall request a pre-application meeting. The Zoning Administrator shall schedule and conduct a pre-application meeting. The applicant shall provide either a sketch plat or a copy of the proposed preliminary plat prior to the pre-application meeting.
2. A complete Preliminary Plat Application shall be submitted to the Zoning Administrator on a form provided by the City and accompanied by a Preliminary Plat Application Fee as set forth on the City fee schedule. The application shall be submitted at least five (5) weeks prior to the regularly scheduled Planning and Zoning Commission meeting, or as otherwise approved by the Zoning Administrator.
3. Following receipt of a complete application and all applicable fees, the City shall distribute copies of the Preliminary Plat and other application materials to appropriate reviewing agencies for review and comment.
4. The City will return red lined documents to the applicant or his agent detailing any changes requested by the reviewing agencies.
5. When reviewed comments and recommendations have been addressed and resubmitted to the Zoning Administrator, by the applicant, a public hearing at a regularly scheduled meeting of the Planning and Zoning Commission shall be scheduled to consider the preliminary plat. Within sixty (60) days following the date of the public hearing at which the plat and application were first submitted, the Planning and Zoning Commission shall complete its review and shall approve, conditionally approve, or disapprove of the plat and application, unless an extension of time is agreed to by the Planning and Zoning Commission and the applicant.

6. When acting on an application, the Planning and Zoning Commission shall review the preliminary plat to determine compliance with this Chapter, the Comprehensive Plan, and all applicable Federal, State, or local laws. In conducting such reviews, the Planning and Zoning Commission may recess such meeting for good cause and may solicit more information pertinent to the application. In the event the application is conditionally approved the Zoning Administrator shall advise the applicant in writing of the conditions under which the approval is granted, and upon applicant's compliance with such conditions and the Zoning Administrator's written certification thereof, the plat shall be deemed approved. If approval of the plat is denied, the applicant shall be advised, in writing, of the reasons for denial of the application. Any aggrieved person whose preliminary plat has been denied may be petitioned as outlined in this Code. Such petition shall be submitted to the City within fourteen (14) days from the decision-making body's written decision.

(C) Notifying the Applicant. The Zoning Administrator shall provide written notice within ten (10) calendar days of the decision.

(D) Application and Contents of Plats. The application and plat shall accurately and fairly describe and depict all improvements, structures, boundary lines, lot configurations, area to be developed, phases, existing and proposed land use and zoning, grades, land contour, recreational and public use area, utilities, water works, topography, streets, alleys, easements, and shall contain such other information as may be necessary to determine if the proposed subdivision complies with the requirements of this Chapter. The plat shall be drawn in accordance with generally accepted engineering standards and practices and shall be drawn in such a manner as will assure legibility, clarity, reproducibility, accuracy, uniformity, and neatness of the plat.

(E) Preliminary Plat Expiration. The approval of a preliminary plat shall expire twenty-four (24) months following the date of approval unless a final plat has been approved. If the plat is being phased, the preliminary plat shall expire twenty-four (24) months following the date of approval of the final plat for the previous phase. The City Council may grant one (1) written eighteen (18) month extension upon finding good cause.

#### **5-4: FINAL PLATS.**

(A) Final Plats. The applicant may submit a Final Plat Application with the City any time after the subject property has an approved Preliminary Plat, but before the expiration of the Preliminary Plat as outlined in this Chapter.

(B) Submittal and Review Process.

1. The Zoning Administrator shall determine if the Final Plat Application contains all of the required application materials and if all applicable fees have been paid.
2. Following receipt of a complete application and all applicable fees, the City shall distribute copies of the Final Plat and other application materials to appropriate reviewing agencies for review and comment.
3. The City will return red lined documents to the applicant or his agent detailing any changes requested by the reviewing agencies.
4. When reviewed comments and recommendations have been addressed and resubmitted to the Zoning Administrator, by the applicant, the application shall be placed on the City Council agenda of a regularly scheduled meeting. Within sixty (60) days following the date of the meeting at which the plat and application were first submitted, the City Council shall complete its review and shall approve, conditionally approve, or disapprove of the plat and application, unless an extension of time is agreed to by the City Council and the applicant. 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.

5. The City Council shall review the final plat and determine whether it is in compliance with the prior issued preliminary plat, the Comprehensive Plan, and this 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.

(C) Notifying the Applicant. The Zoning Administrator shall provide written notice within ten (10) calendar days of the decision.

(D) Final Plat Expiration. The approval of a final plat shall expire twenty-four (24) months following the date of approval unless the final plat has been recorded. The Zoning Administrator may grant one (1) written eighteen (18) month extension upon finding good cause.

### **5-5: PLAT AMENDMENTS.**

(A) Plat Amendments. Any person may apply to amend an existing subdivision plat. The applicant shall submit to the Zoning Administrator a properly completed Plat Amendment Application provided by the City, all supporting plans and materials, and the required fee.

(B) Submittal and Review Process.

1. The Zoning Administrator shall determine if the Plat Amendment Application contains all of the required application materials and if all applicable fees have been paid.
2. Following receipt of a complete application and all applicable fees, the City shall distribute copies of the Plat Amendment and other application materials to appropriate reviewing agencies for review and comment.
3. The City will return red lined documents to the applicant or his agent detailing any changes requested by the reviewing agencies.
4. When reviewed comments and recommendations have been addressed and resubmitted to the Zoning Administrator, by the applicant, the application shall be placed on the Planning and Zoning Commission agenda of a regularly scheduled meeting. Within sixty (60) days following the date of the meeting at which the plat amendment and application were first submitted, the Planning and Zoning Commission shall complete its review and shall recommend to the City Council to approve, conditionally approve, or disapprove of the plat and application, unless an extension of time is agreed to by the City Council and the applicant. No public hearing is required for plat amendments, but no plat amendment shall be reviewed if the developer or his/her representative is not present at the City Council meeting.
5. The Planning and Zoning Commission shall review the plat amendment and determine whether it is in compliance with the Comprehensive Plan, and this Code. If the City Council finds that the plat amendment complies, it shall approve the final plat and authorize the Mayor to sign the plat amendment. If it finds that the plat amendment fails to comply, the City Council shall deny the plat amendment.

(C) Application and Contents of Plats Amendments. The application and plat shall accurately and fairly describe and depict all improvements, structures, boundary lines, lot configurations, area to be developed, phases, existing and proposed land use and zoning, grades, land contour, recreational and public use area, utilities, water works, topography, streets, alleys, easements, and shall contain such other information as may be necessary to determine if the proposed subdivision complies with the requirements of this Chapter. The plat shall be drawn in accordance with generally accepted engineering standards and practices and shall be drawn in such a manner as will assure legibility, clarity, reproducibility, accuracy, uniformity, and neatness of the plat. In addition to these requirements all plat amendments shall:

1. Be clearly identified as an amended plat;

2. Show the dimensions and acreage of all parcels that have been modified. New parcels may not be created by an amendment;
  3. Include a key that shows all changes made as an overlay over the final plat originally recorded.
  4. Obtain a certificate of consent signed by all owners of record on the platted subdivision.
- (D) Notifying the Applicant. The Zoning Administrator shall provide written notice within ten (10) calendar days of the decision.
- (E) Plat Amendment Expiration. The approval of a final plat shall expire twenty-four (24) months following the date of approval unless the final plat has been recorded. The Zoning Administrator may grant one (1) written eighteen (18) month extension upon finding good cause.

#### **5-6: VACATION OR PARTIAL VACATION OF PLATS.**

- (A) Vacation of a Plat. Only the City Council hears or considers any request for the vacation of any plat, or any portion of a plat.
- (B) Submittal and Review Process.
1. The Zoning Administrator shall determine if the Plat Vacation Application contains all of the required application materials and if all applicable fees have been paid.
  2. Following receipt of a complete application and all applicable fees, the City shall distribute copies of the Plat Vacation Application and other application materials to appropriate reviewing agencies for review and comment.
  3. The City will return red lined documents to the applicant or his agent detailing any changes requested by the reviewing agencies.
  4. When reviewed comments and recommendations have been addressed and resubmitted to the Zoning Administrator, by the applicant, the application shall be placed on the City Council agenda of a regularly scheduled meeting. Within sixty (60) days following the date of the meeting at which the plat vacation and application were first submitted, the City Council shall complete its review and shall approve, conditionally approve, or disapprove of the plat vacation request, unless an extension of time is agreed to by the City Council and the applicant. Pursuant to Idaho Code 50-1306A, a public hearing is required for plat vacations, and no plat vacation shall be reviewed if the developer or his/her representative is not present at the City Council meeting.
  5. The City Council shall review the plat vacation and determine whether it is in compliance with the Comprehensive Plan, and this Code. If the City Council finds that the plat vacation complies, it shall approve the vacation and authorize the Mayor to sign the plat vacation. If it finds that the plat vacation fails to comply, the City Council shall deny the plat vacation.
- (C) Application and Contents of Plats Vacations. The application and plat shall accurately and fairly describe and depict the following:
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.
- (D) Notifying the Applicant. The Zoning Administrator shall provide written notice within ten (10) calendar days of the decision.

(E) Vacation Expiration. The approval of a plat vacation shall expire twenty-four (24) months following the date of approval unless the plat vacation has been recorded. The Zoning Administrator may grant one (1) written eighteen (18) month extension upon finding good cause.



## Chapter 6 Signs

- 6-1: Purpose
- 6-2: General Provisions
- 6-3: Regulations
- 6-4: Variances

### **6-1: PURPOSE.**

Purpose. The purpose of this Chapter is to control and regulate the erection and maintenance of signs to promote the interests of public safety and improve a neat, clean, orderly, and attractive appearance of the City. 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.

### **6-2: GENERAL PROVISIONS.**

#### (A) 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 Chapter, any sign greater than four (4) square feet shall require a Sign Permit prior to construction and/or placement.

#### (B) Exempt Signs.

1. The following types of signs do not require a Sign Permit:
  - a. Directional signs not exceeding four (4) square feet;
  - b. Memorial signs or tablets and names of buildings and dates of erection when cut into the surface or facade of the building;
  - c. Federal, state, county, or city signs, signs required by law, traffic signs, railroad crossing signs, legal notices and temporary emergency signs;
  - d. Signs placed by a public utility showing the location of underground facilities;
  - e. Home Occupation signs as regulated in this Chapter;
  - f. Property signs as regulated in this Chapter;
  - g. Required signs for transient rentals as defined in this Code.

#### (C) Permitting.

1. Permits Required. Subject to the provisions of this Chapter, no sign shall be erected, re-erected, constructed, altered, or maintained, except as provided by this Chapter and a Sign Permit for the same has been issued by the City. Following the approval of a Sign Permit the applicant shall contact Fremont County to determine if any additional building permits are required and the State of Idaho if any additional electrical permits are required.

2. A Sign 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.
3. No illuminated or floodlighted sign shall be connected to the electrical wiring source unless an appropriate Electrical Permit is issued and inspected by the State of Idaho.
4. 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.
5. The application process of Sign Permits is found in Chapter 7 Administration.

(D) 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 by 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 non-accessory, 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. Pennants, 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. No revolving signs;
10. No roof signs;
11. 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";
12. Any sign or sign structure which obstructs the visibility of any street sign or traffic control device; and
13. Any sign that constitutes a public nuisance.

(E) Nonconforming Signs. Signs in existence on the date of enactment of this Code which do not conform to the provisions of this Chapter, but which were constructed, erected, affixed, or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs which may continue, but shall not be structurally altered, relocated, or replaced without immediately being brought into compliance with all the provisions of this Code.

### **6-3: REGULATIONS.**

(A) General Regulations.

1. Sign structures that extend beyond or overhang any exterior wall of the building upon which secured shall extend more than eighteen inches (18").

2. No sign background area facing the side or rear property line of an adjacent or abutting residential zoning district shall be located within fifty feet (50') of such side or rear property line.
3. 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.
4. 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.
5. Signs at street intersections and access points shall not be permitted in the "clear vision triangle" as defined in this Code.
6. For the purpose of preventing the blanketing of one sign by another, no sign shall be erected in the same horizontal plane with other signs unless the sizes are spaced as set forth in Table 6-3-1, measured center to center:

Table 6-3-1: Blanketing of Signs and Required Spacing

Overlap Of Projecting Signs	Spacing Between Signs
Less than 3'	10'
3' to 4'	20'
4' to 6'	25'
Greater than 6'	30'

7. Illumination of signs shall be subject to the exterior lighting regulations in this Code.
  8. Unless otherwise specified in this Chapter, signs (including sign structures and sign faces) shall have a minimum setback of five feet (5') from any property line or roadway easement line.
- (B) Multi-Tenant Properties. Properties with more than one (1) tenant in the commercial zone shall be allowed signs that identify the shopping center as follows:
1. The maximum copy area shall be one hundred fifty (150) square feet.
  2. The maximum height of the structure shall be forty-five feet (45').
- (C) Wall Signs.
1. The following signs shall be considered wall sign:
    - a. Any sign or sign fixture attached to the facade of a building;
    - b. Parapet signs;
    - c. Window wraps or films;
    - d. Projecting signs.
  2. Wall signs are only allowed in the commercial zone.
  3. Wall signs shall meet the following standards:

- a. Multiple signs are permitted, but the maximum copy area of all wall signs shall not exceed twenty percent (20%) of the wall elevation;
- b. The maximum area of animation shall be twenty percent (20%) of the sign area;
- c. Direct, internal and/or neon illumination shall be allowed.
- d. The maximum height shall be twenty-five feet (25') above grade or four feet (4') above the eaves or parapet, whichever is less.

(D) Freestanding Signs.

1. In lieu of wall signs as set forth above, one freestanding sign shall be permitted on each street frontage with the following standards:
  - a. The maximum copy area shall be fifty (50) square feet for each street frontage or one (1) square foot of copy area for each linear foot of property fronting a street, whichever is greater.
  - b. The maximum height of the structure shall be twenty-five feet (25').
  - 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.
2. A combination of a wall signs and a freestanding sign may be used, provided the total copy area of all signs is reduced by fifty percent (50%).
3. Freestanding signs shall not be closer than one hundred fifty feet (150') from any property in a residential zoning district.
4. Freestanding signs are only allowed in the commercial zone.

(E) Entrance Signs.

1. All entrance signs shall meet the following standards:
  - a. In the residential zone the copy shall have a maximum area of sixteen (16) square feet and the structure shall not exceed six feet (6') in height.
  - b. In the commercial zone the copy shall have a maximum area of thirty-two (32) square feet and the structure shall not exceed eight feet (8') in height.
  - c. The sign may be internally or externally illuminated.

(F) Portable Signs.

1. The permitted style of Portable Sign includes sandwich boards and banners, this does not include feather banners or flags.
  - a. Banner signs are only allowed for opening of new businesses or for accommodation of properties under construction. They may only be permitted for a period of ninety (90) days at which time the permit expires.
  - b. Sandwich boards must be removed each night at sundown and may not to set up until sunrise.
2. The sign must be located on-premise and must comply with the general regulations of this Chapter.
3. One (1) portable freestanding sign is permitted per business, with a maximum size of twelve (12) square feet per side in the sign is double faced.
4. The maximum height shall not exceed three feet (3') if the sign is within fifteen feet (15') of a right-of-way.
5. All signs shall be properly maintained by the business owner or proprietor.
6. All signs shall be firmly mounted to the building or securely to the ground to avoid hazards with movement of any kind.

7. Portable signs are only allowed in the commercial zone.

(G) Home Occupation Signs.

1. Home occupation signs shall not exceed four (4) square feet in size.
2. One home occupation sign is permitted for each dwelling.
3. Home occupation signs must be attached flatly to the building not to exceed the height of the eave line.
4. Home occupation signs shall not be illuminated.

(H) Construction Project or Land Development Signs.

1. One (1) 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.
2. The total area shall not exceed thirty-two (32) square feet and the height shall not exceed six feet (6').
3. Signs shall not be illuminated.
4. Signs shall be removed within thirty (30) days of the issuance of the Certificate of Occupancy.

(I) Property Signs.

1. 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.
2. The maximum area and height shall be as follows:
  - a. In the residential zone the maximum size shall be four (4) square feet and the maximum height shall be six feet (6').
  - b. In the commercial zone the maximum size shall be sixteen (16) square feet and the maximum heights shall be six feet (6').
3. Signs shall not be illuminated.
4. Signs may be freestanding or building signs. If the sign is a building sign, the sign shall not exceed the height of the eaves.

(J) Public and Informational Signs.

1. Informational signs for public and semipublic buildings including churches, clinics, clubs, lodges, and like uses are allowed for each property, in all zones.
2. The maximum area and height shall be as follows:
  - a. In the residential zone the maximum size shall be twelve (12) square feet and the maximum height shall be six feet (6').
  - b. In the commercial zone the maximum size shall be thirty-two (32) square feet and the maximum height shall be twenty-five feet (25').
3. Public signs shall not project above the eaves of the building, or as set forth above, whichever is less.
4. Direct, internal, or neon illumination shall be allowed.

(K) 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 the commercial zone, one (1) 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. Direct, internal, or neon illumination shall be allowed.
2. In the residential zone, one (1) 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 feet (15') above grade;
    - c. 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;
    - d. Direct, internal, or neon illumination shall be allowed.
  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. Direct, internal, or neon illumination shall be allowed.

(L) Subdivision Signs.

1. Identification and informational signs for subdivisions, subdivision sales offices, and model homes in all residential and commercial zones are allowed as a temporary use.
2. The maximum areas and heights in a residential zone shall be as follows:
  - a. The maximum size for a subdivision sign shall be ninety-six (96) square feet and the maximum height shall be fifteen feet (15').
  - b. The maximum size for a subdivision sales office sign shall be thirty-two (32) square feet and the maximum height shall be fifteen feet (15').
  - c. The maximum size for a model home sign shall be thirty-two (32) square feet and the maximum height shall be fifteen feet (15').
3. The maximum areas and heights in a commercial zone shall be as follows:
  - a. The maximum size for a subdivision sign shall be ninety-six (96) square feet and the maximum height shall be fifteen feet (15').
  - b. The maximum size for a subdivision sales office sign shall be sixty-four (64) square feet and the maximum height shall be fifteen feet (15').
4. Direct, internal, or neon illumination shall be allowed.
5. All signs shall be stationary; no tethered balloons or balloon type signs or displays are permitted.

(M) Political Signs.

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.
5. Political Signs shall adhere to the following size requirements
  - a. The residential zone shall be allowed a maximum total of sixteen (16) square feet per property.
  - b. The commercial zone shall be allowed a maximum total of sixty-four (64) square feet per property.

**6-4 VARIANCES.**

(A) Subject to Chapter and Section 7-3-(G), a person may seek a variance to the provisions of this Code governing the height or square footage of the copy area for on-premise signs by following the procedures outlined in this Code. A variance may be granted if it is found that the proposed variance request meets the requirements of the above listed section..

## Chapter 7

### Administration

- 7-1: Purpose
- 7-2: Duties and Authorities
- 7-3: Application Procedures
- 7-4: Decision-Making Procedures
- 7-5: Decision-Making Criteria
- 7-6: Required Improvements
- 7-7: Enforcement

**7-1: PURPOSE.** The purpose of this Chapter is to set forth the roles, responsibilities, and process in the administration of permits, applications, and decisions that are authorized by this Code consistent with Idaho Code.

#### **7-2: DUTIES AND AUTHORITIES.**

(A) Duties of Zoning Administrator. The Mayor, with the confirmation of the City Council, may appoint a Zoning Administrator who shall perform the following duties:

1. Assist the public in understanding the applicability of, and requirements of, the Comprehensive Plan, this Code, and any other applicable plan, ordinance, or policy of the City;
2. Provide interpretations of the text of the Comprehensive Plan and this Code;
3. Provide interpretations of the location of land use designations in the Comprehensive Plan and zone boundaries;
4. Review applications for compliance and accept submitted applications as required by Table 7-2-1;
5. Review, accept, and schedule applications as established in this Code;
6. Make recommendations to the Planning and Zoning Commission on applications that come before the Planning and Zoning Commission for review;
7. Collect and account for all fees collected in the administration of this Code and prepare an annual report of development activity to the City Council;
8. Review and act on minor administrative permits as required by Table 7-2-1, for adherence to the performance standards and provisions of this Code;
9. Perform inspections and issue certificates of compliance, when development has been completed in compliance with this Code;
10. Investigate possible violations of this Code;
11. Conduct investigations of structures and use of property as are necessary to determine compliance with the regulations of this Code;
12. Order the abatement of violations of this Code and aid in prosecuting such violations;
13. Enforce penalties for violations as set forth in this Code;
14. Perform all other duties necessary to assist the City Council and Planning and Zoning Commission in the execution of their duties and to enforce and administer the provisions of this Code, and any other applicable plan, ordinance, or policy of the City.

(B) Duties of Planning and Zoning Commission. The Mayor, with the confirmation of a majority vote of the City Council, may appoint up to five Planning and Zoning Commission members who shall perform the following duties:



1. Hear and recommend to the City Council applications as required by Table 7-2-1;
  2. Hear and recommend approval, approval with conditions, or denial to the City Council of applications for Variances as required by Table 7-2-1;
  3. Review and recommend approval or denial of those items on Table 7-2-1 for approval by the Zoning Administrator.
  4. Hear and recommend to the City Council applications for re-zones, annexations, initial zoning, and amendments to the comprehensive plan as required on Table 7-2-1.
  5. Make recommendations to the Zoning Administrator and the City Council as the Planning and Zoning Commission may feel necessary.
  6. Review and update the Comprehensive Plan as necessary and required by State Statute. Pursuant to Section 67-6508.
  7. Make recommendations on the Area of Impact Agreement with Fremont County as needed. (Minimum of every ten (10) years\_67-6526\_E)
  8. Conduct public hearings and make recommendations as required by State Statutes regarding land use decisions and actions in the City.
- (C) Duties of the City Council. The City Council shall perform the following duties in the administration of this ordinance:
1. Act on applications for Comprehensive Plan text and map amendments after a public hearing and recommendation from the Planning and Zoning Commission;
  2. Act on applications for Development Code text and official zoning map amendments after a public hearing and recommendation from the Planning and Zoning Commission;
  3. Authorize professional review, if needed, for review of applications as required;
  4. Hear appeals and act on decisions of the Administrator and the Planning and Zoning Commission;
  5. Review recommendations from the Planning and Zoning Commission and act on applications for preliminary plats;
  6. Review and act on applications for plat vacations, or partial vacations;
  7. Act on applications for annexation of property into the corporate limits of the City after a public hearing and recommendation from the Planning and Zoning Commission;
  8. Act on applications for exclusion of territory (de-annexation) of property from the corporate limits of the City after a public hearing and recommendation from the Planning and Zoning Commission;
  9. Hear and act on applications for reconsideration;
  10. Hear and act on a map identifying the area of city impact in accordance with the provisions of Idaho Code;
  11. Hear and act on an ordinance for the area of city impact in accordance with the provisions of Idaho Code;
  12. Confirm, or not confirm, the Mayor's appointee of a Planning and Zoning Commission;
  13. Confirm, or not confirm, the appointment of a Zoning 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.
  16. As a body act as the Planning and Zoning Commission in the absence of one appointed by the Mayor and ratified by the City Council

- (D) Duties of the City Clerk. The City Clerk shall perform the duties as set forth in this Code, 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 Statues, as they relate to this ordinance;
- (E) Duties of the City Attorney. The City Attorney of the City of Island Park shall have the authority to enforce this Code as set forth in Idaho Code and this Code.
- (F) Conflict of Interest. For the purposes of this Code, a member of the City Council or the Planning and Zoning Commission 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.
- (G) Liability. Any individual, including City Council or Planning and Zoning Commission, the Zoning 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 Code. 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.
- (H) Table 7-2-1 Summary of Actions/Decisions. This table is a list of the actions/decisions the City shall take in administration of this Code, the decision body responsible, and the process and findings under which the action shall be granted.

Notes: ZA = Zoning Administrator  
 PC = Planning and Zoning Commission  
 CC = City Council  
 ADM = Administrative Permit  
 PH = Public Hearing Process  
 A = Appeal Process

Permit/Decision	Recommending Body	Deciding Body	Process
<b>DEVELOPMENTS</b>			
Residential Zoning Permits		ZA	ADM
Commercial Zoning Permits	PC	CC	ADM
Architectural Design Review	PC	CC	ADM
Sign Permits		ZA	ADM
Change of Use Permits		ZA	ADM

CONDITIONAL USE PERMITS			
Conditional Use Permits (All uses listed as conditional in the Table 2-1 Allowed Uses by Zones)	PC	CC	PH
Planned Unit Development	PC	CC	PH
Amendment to a Planned Unit Development	PC	CC	ADM
Permit/Decision	Recommending Body	Deciding Body	Process
ZONING			
Development Code Amendment	PC	CC	PH
Code Enforcement		ZA	ADM
Comprehensive Plan Amendment	PC	CC	PH
Table of Allowed Uses Interpretation (*Differing opinions of PC and ZA final decision made by CC)	PC*	ZA*	ADM
Annexation	PC	CC	PH
Exclusion of Territory	PC	CC	PH
Development Agreements	PC	CC	ADM
Improvement and Surety Agreements		CC	ADM
Variance	PC	CC	PH
SUBDIVISIONS			
Boundary Line Adjustments 5-2		ZA	ADM
Preliminary Plats 5-3	PC	CC	PH
Final Plats 5-4 When consistent with an approved Preliminary Plat.	ZA	CC	ADM
Vacation or Partial Vacation of Plats 5-5	PC	CC	PH
APPEALS			
Decisions of the Zoning Administrator		CC	A

Decisions of the Planning and Zoning Commission		CC	A
Request for Reconsideration		CC	A
Request for Judicial Review		CC	A
Request for Mediation		CC	A

**7-3: APPLICATION PROCEDURES**

The purpose of this section is to outline the application procedures for a permit or decision under provisions of this Code.

**(A) General Standards.**

**1. Application Requirements.**

- a. All uses, structures, or work defined by this Code as requiring review by the City Council, Planning and Zoning Commission, or Zoning Administrator must obtain the appropriate permit or permits prior to commencing the use, construction, or alteration in or on any property within the City of Island Park.
- b. All requests for permits and decisions in accordance with this Code shall submit a complete application to the Zoning Administrator on forms approved and provided by the city.
- c. Some requests for permits and decisions shall require additional application information.
- d. All information and applications are preferred to be submitted electronically.
- e. All applications shall be accompanied by a fee in an amount as set from time to time by City Council resolution.
- f. No action may be taken on an application until the application has been determined to be complete by the Zoning Administrator.

**2. Action on the Application.** After an application has been determined to be complete, an action or decision shall occur as follows:

- a. For an administrative decision identified as “ADM” on Table 7-2-1 Summary of Actions/Decisions, the Zoning Administrator shall act upon the application within thirty (30) days.
- b. For an application requiring a public hearing identified as “PH” on Table 7-2-1 Summary of Actions/Decisions, the initial hearing shall be held no later than sixty (60) days after the date of the determination of completeness, unless waived by the applicant.

**3. Public Hearing Procedures.** All applications subject to a public hearing as identified “PH” on Table 7-2-1 Summary of Actions/Decisions, shall follow the public hearing requirements consistent with Idaho Code.

**4. Appeal Procedures for Decisions of the Zoning Administrator.**

- a. The City Council shall hear and decide appeals wherein it is alleged there is error in any order, requirement, decision, or determination made by the Planning and Zoning Commission or the Zoning Administrator in the enforcement of this Code and shall have appellate jurisdiction over all decisions and rulings of the Zoning Administrator.
- b. Any citizen or person may appeal to the City Council by filing a required application to the Zoning Administrator within fourteen (14) days from the grant or refusal of a permit by the Zoning Administrator.

- c. Notice of the public hearing on an appeal of the Planning and Zoning Commission or Zoning Administrator's decision shall be made in accordance with Idaho Code.
5. Expiration of Action on Applications. All application approvals shall expire one (1) calendar year from the date of approval unless:
  - a. A building permit has been issued for the proposed improvement, development, or use prior to the expiration of the one (1) calendar year; or
  - b. By condition of approval, a time period for completion of the application has been specified.
6. Resubmitted.
  - a. No application that has been denied by the City shall be resubmitted, in substantially the same form for the same use, within one (1) year from the date of denial.
  - b. The Zoning Administrator may waive the one (1) year requirement and accept a new application, where the subject property is affected by amendments to the Comprehensive Plan or to this Code.
7. Certificate of Occupancy. No certificate of occupancy shall be issued for any approved application until the development has been inspected and determined to be in compliance with all terms and conditions of the permit, including but not limited to, proper installation of all required improvements.

(B) Development Permits.

1. Residential Zoning Permits. Residential Zoning Permits are required for all improvements, alterations, modification, or construction of buildings used as single-family residences or accessory uses or structures for a single-family use.
  - a. All applications for Residential Zoning Permits shall be required to submit to the Zoning Administrator an application, on forms provided by the City, all information listed as required on those forms, and an application fee as set forth in the latest version of the fee resolution adopted by the City Council. Applications not containing all of the required application materials and applicable fees shall be rejected by the City Clerk and/or the Zoning Administrator and returned to applicant for completion. All residential building permits shall have a complete site plan indicating all required setbacks, driveway entrances, water, electric and sewer/septic locations. Site plan shall also include the location of required parking spaces. The required site plan shall be submitted on a minimum of an 11" X 17" copy. A copy of this site plan shall be retained in a file in the City.
  - b. A pre-application conference is recommended 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. Any written documentation of the pre-application meeting, as prepared by the Administrator, shall be made part of the public record.
  - c. The date of application submission shall be the date the applicant submits to the Zoning Administrator, the appropriate application form including all information listed as required on the application form and the appropriate fees have been paid. This also includes any other items, information, and/or reports identified by the Zoning Administrator in a pre-application conference.
  - d. All Residential Zoning Permit applications shall be reviewed by the Zoning Administrator for compliance with this ordinance and the Comprehensive Plan. Incomplete applications may not be acted on by the Administrator.
  - e. The Zoning Administrator shall act on the application and determine compliance with the provisions of this Code.

- i. The Zoning Administrator shall make a decision on the application within ten (10) business days of the application being submitted.
  - ii. The Zoning Administrator shall notify the applicant in writing of the decision within ten (10) business days of the date of the decision.
2. Commercial Zoning Permit. Commercial Zoning Permits are required for all improvements, alterations, modification, or construction of all buildings and sites used for any use other than single-family residence or accessory use for a single-family use.
  - a. All applications for Commercial Zoning Permits shall be required to submit to the Zoning Administrator an application, on forms provided by the City, all information listed as required on those forms, and an application fee as set forth in the latest version of the fee resolution adopted by the City Council. Applications not containing all of the required application materials and applicable fees shall be rejected by the City Clerk and/or Zoning Administrator and returned to applicant for completion. All commercial permits shall be required to submit a complete site plan showing all required setbacks, driveway entrances, water, electric, sewer/septic locations and required parking spaces. The required site plan shall be submitted on a minimum of an 11" X 17" copy. A copy of this site plan shall be retained in a file in the City.
  - b. A pre-application conference is required to review the proposed application, 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. Any written documentation of the pre-application meeting, as prepared by the Administrator, shall be made part of the public record.
  - c. The date of application submission shall be the date the applicant submits to the Zoning Administrator, the appropriate application form including all information listed as required on the application form and the appropriate fees have been paid. This also includes any other items, information, and/or reports identified by the Zoning Administrator in a pre-application conference.
  - d. All Commercial Zoning Permit applications shall be reviewed by the Zoning Administrator for compliance with this ordinance and the Comprehensive Plan. After a review and determination that the permit application is complete the Zoning Administrator shall place the application on the next scheduled Planning and Zoning Commission meeting date. Incomplete applications may not be acted on by the Zoning Administrator.
    - i. Where the proposed development is part of a larger development for which a Commercial Zoning Permit was previously approved, the Zoning Administrator shall determine whether it is in compliance with the previously approved development plan and all conditions attached to that approval.
  - e. The Zoning Administrator shall act on the application and determine compliance with the provisions of this Code and prepare a staff presentation to the Planning and Zoning Commission at the next scheduled meeting of the Planning and Zoning Commission
    - i. The Zoning Administrator shall notify the applicant in writing of any required items not submitted with an application within ten (10) business days of the application being submitted.
    - ii. After a recommendation from the Planning and Zoning Commission has been made, the Zoning Administrator shall work with the applicant to remedy any items required by the Planning and Zoning Commission as a condition of approval. After the conditions of the Planning and Zoning Commission have been met place the request on the next available City Council meeting agenda. The Zoning

Administrator shall include in the presentation to the City Council the recommendations from the Planning and Zoning Commission. The Zoning Administrator shall notify the applicant in writing of the decision within ten (10) business days of the date of the decision of the City Council

3. Architectural Design Review. Architectural Design Reviews are required for all Commercial Zoning Permits as identified previously.
  - a. All applications for Architectural Design Reviews shall be required to submit to the Zoning Administrator an application, on forms provided by the City, all information listed as required on those forms, and an application fee as set forth in the latest version of the fee resolution adopted by the City Council. Applications not containing all of the required application materials and applicable fees shall be rejected and returned to applicant by the Zoning Administrator. .
  - b. A pre-application conference is required to review the proposed application, to discuss the procedures and requirements of the Architectural Design Standards as outlined in this 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. Any written documentation of the pre-application meeting, as prepared by the Administrator, shall be made part of the public record.
  - c. The date of application submission shall be the date the applicant submits to the Zoning Administrator, the appropriate application form including all information listed as required on the application form and the appropriate fees have been paid. This also includes any other items, information, and/or reports identified by the Zoning Administrator in a pre-application conference.
  - d. All Architectural Design Review applications shall be reviewed by the Planning and Zoning Commission for compliance with this ordinance and the Comprehensive Plan. The Planning and Zoning Commission shall make a recommendation to the City Council regarding Architectural Design Review applications.
    - i. Where the proposed development is part of a larger development for which an Architectural Design Review was previously approved, the Zoning Administrator shall present the changes to the Planning and Zoning Commission to determine whether it is in compliance with the previously approved development plan and all conditions attached to that approval.
  - e. The Planning and Zoning Commission shall make a recommendation to the City Council on the application regarding compliance with the Architectural Design Standards of this Code.
    - i. The City Council shall make a decision on the application within ten (10) business days of the next regularly scheduled City Council meeting.
    - ii. The Zoning Administrator shall notify the applicant in writing of the decision within ten (10) business days of the date of the decision.
4. Sign Permits. Signs Permits are required for the erection, re-erection, construction, alteration, or maintenance of all signs except as provided by Chapter 6. Following the approval of a Sign Permit the applicant shall contact Fremont County to determine if any additional building permits are required and the State of Idaho if any additional electrical permits are required.
  - a. The application for a sign permit shall be made in writing on a form provided by the City and shall be accompanied by any fee established by City Council resolution.
  - b. 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 may include, but not be limited to, the following information:

- i. 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.
  - ii. 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;
  - iii. 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;
  - iv. 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;
  - v. 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;
  - vi. The number, size, type and location of all existing signs on the same building, site or premises; however, temporary signs need not be shown;
  - vii. Any structural information and plans necessary to ensure compliance with currently adopted building codes;
  - viii. Information regarding interruptions to normal traffic which may be caused by the construction or installation;
  - ix. 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;
  - x. Information need not show the proposed graphic design or message content of the display face.
- c. Applications shall be reviewed and approved, approved with conditions, or denied by the Zoning Administrator.
5. Change of Use Permit. Change of Use Permits are required for all properties that are changing from one use to another as detailed in Table 2.1: Allowed Uses by Zone.
- a. All applications for Change of Use Permits shall be required to submit to the Zoning Administrator an application, on forms provided by the City, all information listed as required on those forms, and an application fee as set forth in the latest version of the fee resolution adopted by the City Council. Applications not containing all of the required application materials and applicable fees may not be acted on by the Zoning Administrator.
  - b. A pre-application conference is required to review the proposed application, 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. Any written documentation of the pre-application meeting, as prepared by the Administrator, shall be made part of the public record.
  - c. The date of application submission shall be the date the applicant submits to the Zoning Administrator, the appropriate application form including all information listed as required on the application form and the



appropriate fees have been paid. This also includes any other items, information, and/or reports identified by the Zoning Administrator in a pre-application conference.

- d. All Change of Use Permit applications shall be reviewed by the Zoning Administrator for compliance with this ordinance and the Comprehensive Plan. Incomplete applications may not be acted on by the Zoning Administrator.
  - i. Where the proposed development is part of a larger development for which a Change of Use Permit was previously approved, the Zoning Administrator shall determine whether it is in compliance with the previously approved development plan and all conditions attached to that approval.
- e. The Zoning Administrator shall act on the application and determine compliance with the provisions of this Code.
  - i. The Zoning Administrator shall make a decision on the application within ten (10) business days of the application being submitted.
  - ii. The Zoning Administrator shall notify the applicant in writing of the decision within ten (10) business days of the date of the decision.

(C) Conditional Use Permits. A conditional use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of this ordinance, subject to the conditions to provisions of the ordinance. These allowed conditional uses allowed are subject to the special requirements in accordance with Section 7-3 of this Chapter and as enabled by Idaho Code §67-6512.

1. Uses Listed as Conditional in Table 2-1 Allowed Uses by Zone.

- a. All applications for Conditional Use Permits shall be required to submit to the Zoning Administrator an application, on forms provided by the City, all information listed as required on those forms, and an application fee as set forth in the latest version of the fee resolution adopted by the City Council. Applications not containing all of the required application materials and applicable fees may not be acted on by the Zoning Administrator.
- b. A pre-application conference is required to review the proposed application, 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. Any written documentation of the pre-application meeting, as prepared by the Administrator, shall be made part of the public record.
- c. The date of application submission shall be the date the applicant submits to the Zoning Administrator, the appropriate application form including all information listed as required on the application form and the appropriate fees have been paid. This also includes any other items, information, and/or reports identified by the Zoning Administrator in a pre-application conference.
- d. All Conditional Use Permit applications shall be reviewed by the Zoning Administrator for compliance with this ordinance and the Comprehensive Plan. The Zoning Administrator shall present the request to the Planning and Zoning Commission at the required public hearing. The Planning and Zoning Commission shall make a recommendation to the City Council regarding the request permit.
  - i. Recommended conditions to the permit by the Commission shall be consistent with preserving the intent of the Comprehensive Plan, the related zoning code and the nature of the development. Consideration of neighboring properties affected by any conditional use shall also be considered.

- ii. Where the proposed development is part of a larger development for which a Conditional Use Permit was previously approved, the Zoning Administrator shall determine whether it is in compliance with the previously approved development plan and all conditions attached to that approval.
- e. The City Council shall make a decision on the application within sixty (60) business days of the date of the Planning and Zoning Commission recommendation.
  - i. The Zoning Administrator shall notify the applicant in writing of the decision within ten (10) business days of the date of the decision.

(D) Planned Unit Development Permits. Unit Development Planning and Zoning Commission

- a. All applications for Planned Community Permits shall be required to submit to the Zoning Administrator an application, on forms provided by the City, all information listed as required on those forms, and an application fee as set forth in the latest version of the fee resolution adopted by the City Council. Applications not containing all of the required application materials and applicable fees shall be rejected by the Zoning Administrator and returned to applicant for completion,
- b. A pre-application conference is required to review the proposed application, 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. Any written documentation of the pre-application meeting, as prepared by the Administrator, shall be made part of the public record.
- c. The date of application submission shall be the date the applicant submits to the Zoning Administrator, the appropriate application form including all information listed as required on the application form and the appropriate fees have been paid. This also includes any other items, information, and/or reports identified by the Zoning Administrator in a pre-application conference.
- d. All Planned Unit Development permit applications shall be reviewed by the Zoning Administrator for compliance with this ordinance and the Comprehensive Plan. The Zoning Administrator shall schedule the required public hearing for the next available Planning and Zoning Commission and shall make a presentation at the public hearing to the Planning and Zoning Commission. The Planning and Zoning Commission shall make a recommendation to the City Council for approval or denial of the application.
- e. The City Council shall make a decision on the application within sixty (60) business days of the date of the Planning and Zoning Commission recommendation.
  - i. The Zoning Administrator shall notify the applicant in writing of the decision within ten (10) business days of the date of the decision.
- f. All Amendments to a Planned Unit Developments shall use the same process as a new application.

(E) Zoning Permits. Zoning permits include Development Code amendment, Comprehensive Plan amendment, annexation, de-annexation, development agreements, and surety agreements.

- 1. Amendments to the Development Code and/or the Comprehensive Plan. 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, the Planning and Zoning Commission or the City Council.
  - a. 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, the Planning

and Zoning Commission or City Council, the Administrator shall compile all materials necessary for a complete application. No application fee shall be paid.

- b. When the application is complete, the Zoning Administrator shall schedule a public hearing on the application on the agenda of the next regularly scheduled Planning and Zoning Commission meeting.
- c. The Planning and Zoning Commission 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.
- d. The Planning and Zoning Commission shall make a recommendation to the City Council regarding whether the proposed amendment is consistent with the public interest and/or the Comprehensive Plan and act on 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).
- e. The Zoning Administrator shall notify the applicant in writing of the Council's decision within ten (10) calendar days of the decision.
- f. 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. 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.

## 2. Annexation.

- a. Requests for annexation shall follow the processes and procedures as are set for in Idaho Code §50-222.
- b. All persons making application referred to shall be required to submit to the Zoning Administrator an application, on forms provided by the Zoning 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.

## 3. De-annexation.

- a. Requests for de-annexation shall follow the processes and procedures as are set for the in Idaho Code §50-225.
- b. All persons making application herein referred to shall be required to submit to the Zoning Administrator an application, on forms provided by the Zoning 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.

## 4. Development Agreements. The purpose of development agreements is to exercise the authority granted to the City Council in Idaho Code 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.

### a. Procedures.

- i. 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 Zoning 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 Zoning 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.
- ii. Once the City Attorney's office has drafted the development agreement, the development agreement with any attachments shall be returned to the Zoning Administrator. The Zoning Administrator shall forward it to the applicant.
  - iii. 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.
  - iv. 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 Zoning Administrator shall monitor the owner's compliance with the terms and/or conditions of the development agreement, and 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 Zoning Administrator 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 Zoning 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 Zoning 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:
- i. 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.
  - ii. 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.
- i. 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.

- ii. 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.
  - iii. 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.
  - iv. 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.
5. Improvement and Surety Agreements
- a. The purpose of Improvement and Surety Agreements is 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. 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. 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.
  - d. 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.
  - e. 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.
  - f. The date of final acceptance or approval of the infrastructure by the City shall be determined by the Zoning Administrator and established by a certified letter or report from the Zoning Administrator. The

date for acceptance by the City shall be contingent upon receipt of the warranty and acceptable security or another financial guaranty.

- g. 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 Zoning Administrator 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.
- h. 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 Zoning Administrator on forms provided by the Zoning Administrator.
  - i. 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 Zoning Administrator on forms provided by the Zoning Administrator.
  - ii. 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 Zoning Administrator.
  - iii. 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.
  - iv. Where a surety is accepted by the Zoning Administrator and deposited the surety shall be released subject to the following regulations:
    - (1) The owner shall submit a written request to the Administrator to return the surety. The request shall include the following documents:
    - (2) A statement from the owner that the required improvements are complete.
    - (3) A written report and two (2) sets of prints of the as-built plans and specifications for all improvements.
    - (4) The Zoning Administrator 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 Zoning Administrator.
    - (5) Upon certification Zoning 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 Code.
- i. 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:
  - i. 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;
  - ii. Identifies all required improvements in the initial phase/s and establishes their estimated cost;

- iii. Sets a schedule for the completion of the required improvements in the initial phase/s and an anticipated schedule for future phases;
- iv. 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;
- v. Provides a process by which the City may, if necessary, complete required improvements using the guarantee/s provided;
- vi. Provides a process by which either party may request re-negotiation of the improvement agreement;
- vii. 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;
- viii. 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 time frame shall void any right to initiate re-negotiation at a later date;
- ix. An improvement agreement does not insulate applications from changes in state or federal regulations or changes in building codes, Fremont County street or sewer codes, or State fire, electrical or plumbing codes, and
- x. The improvement agreement shall inure to the benefit of and be binding upon the Applicant, their respective heirs, administrators, executors, representatives, successors and assigns.
- j. If the approval is not for a Final Plat or Planned Community, all required improvements shall be installed prior to the first building permit being issued.
- k. 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.
- l. Required improvements shall be warranted by the Applicant for both materials and workmanship for one (1) 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.
- m. The City Council shall establish a fee for developing the Required Improvement and Surety Agreement and conducting reviews as part of its Fee Resolution.

(F) Subdivisions. For procedures involving subdivision applications refer to Chapter 5 Subdivisions.

(G) Variances. Pursuant to Idaho State Code 67-6516, A variance is a modification of the bulk and placement requirements of the ordinances 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. A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the size and that the variance is not in conflict with the public interest.

Variations 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. All Variance applications require a public hearing. That hearing is held at Planning and Zoning Commission with a recommendation to the City Council for an action.

- a. All applications for a Variance shall be required to submit to the Zoning Administrator an application, on forms provided by the City, all information listed as required on those forms, and an application fee as set forth in the latest version of the fee resolution adopted by the City Council. Applications not containing all of the required application materials and applicable fees may not be acted on and shall be rejected by the City Clerk and/or the Zoning Administrator.
- b. The Planning and Zoning Commission shall consider a variance only upon finding that:
  - i. The need for a variance results from physical limitations unique to the lot or parcel on which the variance is requested;
  - ii. 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;
  - iii. The alleged hardship has not been created by action of the owner or occupants of the subject property;
  - iv. Approval of the variance will not create a nuisance, result in actual harm to adjoining properties; have an adverse effect on the implementation of the Comprehensive Plan or this ordinance; and shall not be in conflict with the public interest;
  - v. The variance approved is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use;
  - vi. Conditions may be attached to the approval of any variance.
- c. The Planning and Zoning Commission 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.
- d. The Zoning Administrators report shall automatically become part of the record before the Planning and Zoning Commission as shall all written and oral testimony given before the Planning and Zoning Commission during its hearing.

(H) Appeals. Appeals include appeals to decisions made by the Zoning Administrator or Planning and Zoning Commission, reconsideration of City Council decisions, judicial reviews, and mediation.

1. Appeals. Any decision or action under the jurisdiction and authority of the Administrator, or the Planning and Zoning Commission, may appeal to the City Council.
  - a. The appellant shall be an affected person as defined in Idaho Code §67-6521.
  - b. Appeals of written decisions shall be filed with the Administrator within fifteen (15) days after the date of the Facts of Finding and Conclusions of Law, or it shall not be accepted. An application and fees shall be submitted to the Zoning Administrator on forms provided by the City.
  - c. The Zoning 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.



- d. At the public hearing, the City Council shall consider the order, requirement, permit, decision, or determination of the Administrator or the Planning and Zoning Commission. The City Council shall also consider any additional evidence that may be offered by the applicant, the public, Zoning Administrator, and/or the Planning and Zoning Commission.
  - e. 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.
  - f. 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.
  - g. The Zoning Administrator shall notify the applicant in writing of the City Council's decision within ten (10) business days of the decision.
2. Reconsideration. To minimize the number of judicial appeals, prevent new information from being presented on appeals, and resolve disputes at the lowest possible level.
- a. 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.
  - b. A request for reconsideration shall be made as follows:
    - i. The applicant, or affected person, seeking reconsideration shall submit a complete application, including applicable fees, on forms provided by the City. The party seeking reconsideration may submit additional plans, drawings, charts, written material, and supporting documents as part of the application for reconsideration. The Zoning Administrator may require multiple copies of the application and supporting documents.
    - ii. The Zoning 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.
    - iii. In accordance with Idaho Code the party requesting reconsideration shall identify specific deficiencies in the decision that has been made.
    - iv. 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 this Code.
    - v. At the conclusion of the public hearing, 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.
    - vi. The Zoning 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 above.
3. 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). Prior to seeking judicial review, an applicant, or affected person, shall file an application for reconsideration pursuant to the provisions of Idaho Code and as set forth in this Code.
- a. A decision shall not be deemed final for the purposes of judicial review unless the process of this section has been followed.

- b. 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.
- 4. Mediation. To exercise the authority granted to the City in Idaho Code, the following procedure is established for the processing of applications by this Code. This Section establishes the option of mediation upon written request of the applicant, an affected person, or the City Council.
  - a. Mediation may occur at any point during the decision-making process or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the decision-making body.
  - b. The applicant and any other affected persons objecting to the application shall participate in at least one (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.
  - c. 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.
  - d. 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.
  - e. The mediation process may be undertaken pursuant to the general limitations established by this Code.
  - f. The mediation process shall not be part of the official record regarding the application.

**7-4: DECISION-MAKING PROCEDURES.**

The purpose of this Section is to describe the manner in which decisions are rendered, the responsibilities in making decisions and the process for appeal of decisions.

**(A) General Provisions.**

- 1. All decisions and any conditions for the approval of any permit shall be set forth in writing.
- 2. Any city decision-making body may impose conditions upon the approval of any permit, provided such conditions are reasonably necessary to implement or achieve the requirements of this Code.

**(B) Decisions of the Planning and Zoning Commission.**

- 1. For applications that do not require the approval of the City Council, the Planning and Zoning Commission shall approve, approve with conditions or deny the application.
- 2. If the application requires approval by the City Council, the Planning and Zoning Commission shall forward its recommendations to the Council.
- 3. Written notice of decisions of the Planning and Zoning Commission, including conditions and Findings of Fact and Conclusions of Law, shall be sent within ten (10) days to the applicant and/or their representative, and all persons who have requested a copy of the decision.

**(C) Appeal Procedures for Planning and Zoning Commission Decisions.**

- 1. Decisions of the Planning and Zoning Commission shall be final unless a written appeal is made to the City Council within fifteen (15) days of the date of the written notice of decision, the Findings of Fact and Conclusions of Law.

- a. The written notice of appeal shall be filed with the Zoning Administrator and shall set forth the objections to the decision made by the Planning and Zoning Commission.
- b. Upon receipt of the appeal, the Zoning Administrator shall forward to the City Council the record of the Planning and Zoning Commission, including the adopted Finding of Fact and Conclusions of Law.
2. The concurring vote of a majority of the members of the City Council shall be required to reverse any requirement, decision, or condition of the Planning and Zoning Commission.
3. Any person aggrieved by a decision of the Council may seek recourse as provided in Idaho Code, as amended.

(D) Hearing Purpose. To provide consistency in the conduct of public hearings and meetings held in conjunction with the process of regulating the use and development of land within the jurisdiction of the City; to protect the public interest and the private rights of all participants in the public hearing process; and to comply with the requirements of Idaho Code Title 67 Chapter 65. The term “decision-making board” shall mean the City Council, Planning and Zoning Commission or advisory board and any other person or persons duly authorized to make a determination regarding zoning or land use planning pursuant to Idaho Code, excluding City staff.

(E) Public Hearings.

1. A Public Hearing shall be required when a permit or discretionary administrative ruling is sought from a decision-making board such as the Planning and Zoning Commission or Council. Because such a hearing may influence the individual rights of applicants. This administrative procedure shall be more strictly controlled to protect individual rights. Decisions following a Public Hearing shall be final subject to appeal to a higher decision-making authority as provided by this Code or the Idaho Code. All public hearings related to land use and planning in the City shall be held at the Planning and Zoning level. Additional hearings may be ordered at the discretion of the City Council as needed.
2. Procedures for Public Hearings.
  - a. Pre-hearing. Prior to the conduct of the hearing, no person shall attempt to discuss the subject of the hearing with a member of the Planning and Zoning Commission or the City Council. Questions on all requests must be directed to staff prior to the meeting or addressed at the Public Hearing. Any such attempt shall be reported by the City Council member or Planning and Zoning Member so approached to legal counsel for advise n that regard. Notices of public hearing shall provide adequate information to allow notice recipients to participate in the hearing process.
  - b. The Hearing.
    - i. Public hearings shall be conducted according to orderly procedures as specified by the chair of the meeting, subject to the will of the decision-making board.
    - ii. All procedures shall be directed to providing the participants in the hearing a fair chance to be heard by an impartial decision-making board.
    - iii. Recommending Commission Members and Decision-making board members having a conflict of interest involving the subject matter of a hearing shall participate only as allowed by Idaho Code.
    - iv. The chair of the Planning and Zoning Commission or the Mayor shall have sole authority to recognize participants in the hearing process and to maintain order in its conduct. All inquiries regarding the presentation of any person shall be directed to the chair, who shall decide the need for a response and seek one where necessary or appropriate.
    - v. The chair of the Planning and Zoning Commission or the Mayor may establish reasonable time limits on presentations in the interest of fairness and to provide more people with a chance to participate.

Said limitations may be established at the beginning of the hearing or may be invoked during the hearing when conditions warrant.

- vi. Clapping, jeering, interrupting, commenting, out of turn and personal attacks, and being disruptive and discourteous are not allowed and may cause the perpetrator(s) to be removed from the hearing at the order of the chair or decision-making board.
  - vii. Formal rules of evidence will not apply during the hearing, but the chair may rule that certain testimony may be excluded or shortened because of its relevance to the subject of the hearing.
  - viii. Hearings conducted in accord with this Section shall generally be conducted in the following order:
    1. Opening of hearing and call to order.
    2. Introduction of hearing item explanation of request and receipt of City staff evidence and materials or applicant's representative(s).
    3. Presentation by applicant.
    4. Testimony in support, opposition, and other public testimony.
    5. Response of applicant testimony or board questions.
    6. Other response as determined by the Chair.
    7. Closure of the public hearing.
    8. The Planning and Zoning Commission or the City Council shall proceed with with deliberations without further unsolicited comment.
    9. Members of the Commission or City Council may question any participant in the hearing process concerning any representations made or questions raised in the course of the hearing or in written materials submitted prior to the hearing.
    10. The chair of the Planning and Zoning Commission or the City Council may solicit a response to a question seeking a specific objective fact from any participant without reopening the hearing for general testimony.
- c. Post-Hearing. At the close of the initial public hearing the Planning and Zoning Commission may take any of the following actions concerning the application before it:
- i. Recommend approval of the application as presented.
  - ii. Recommend denial of the application as presented.
  - iii. Recommend approval of the application subject to specific conditions as permitted by the applicable substantive City Code or Idaho Code.
  - iv. Table the application to allow fact finding by the City staff; to receive answers to specific factual questions from the applicant or the interested public; or to defer the decision for further reflection. When a request is tabled, the final decision shall be made at a succeeding regularly scheduled meeting, or at a special meeting for which proper notice has been given. Tabling should seldom occur, due to the practical and logistical problems created thereby.
  - v. Schedule a continuation of the public hearing at a specific time and place. This provision shall apply to any visit to the site in question by the decision-making board.
    1. Following each public hearing, the decision-making board shall reach a decision regarding the permission sought in the subject application. The deliberations and final decision shall be conducted in an open meeting, subject to the public scrutiny, and shall be made in a timely manner.

2. Decisions in such applications shall be accompanied by a written Findings of Fact and Conclusions of Law which shall set forth the reasons for the decision-making board's decision pursuant to Idaho Code. Findings of Fact and Conclusions of Law shall be adopted by specific motion of the decision-making board.
3. Adoption of Findings of Fact and Conclusions of Law shall constitute a final decision for purposes of appeal.

(F) Appeals of Interpretation or Administration.

1. The Council shall review the appeal on the written record generated and/or preserved by the Planning and Zoning Commission. Decisions made regarding appeals herein should be founded upon sound reason and practical application of recognized principles of law. When considering the merits of an appeal, no additional public testimony or information shall be taken or considered by the Council. After considering the record and the reasons for the appeal, the Council shall take one (1) or more of the following actions:
  - a. Sustain the Decision. Sustain the decision in whole or in part.
  - b. Reverse the Decision. Reverse the decision in whole or in part.
  - c. Remand the Decision.
    - i. Remand the matter in whole or in part with comments and/or instructions for further consideration by the Planning and Zoning Commission or for remand by the Planning and Zoning Commission to the Zoning Administrator in order to gather more information on the matter. The Council shall remand the appeal in whole or in part for gathering of additional material information and a subsequent decision only where it is shown by a preponderance of the evidence that there is:
      - (1) New material information not available or readily discoverable at the time of the Zoning Administrator's decision; and
      - (2) It is in the public interest to develop such additional material information on the matter.
    - ii. Procedures and guidelines for an appeal in addition to that contained herein may be established from time to time by resolution of the Council.

(G) Mediation:

1. Mediation Request. An applicant or any affected person may, by written request submitted to the Zoning Administrator, request mediation provided that the request is received no later than within seven (7) days of an appealable decision under this Chapter.
2. Public Hearing. After receiving the written request, the Zoning Administrator shall present the mediation request to the Council. The Council shall evaluate the request at a public meeting and may order mediation if the Council believes the mediation may resolve the dispute.
3. 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.
4. Pre-Mediation Conference. If the Council orders mediation, the Council shall select and pay the expense of the mediator for a first meeting with the mediator and the affected person(s). The first meeting with the mediator shall be to determine whether to schedule additional mediation meetings and to determine compensation to the mediator. The applicant and the affected parties shall be required to participate in the

pre-mediation meeting; however, an applicant may decline to participate in mediation requested by an affected person and an affected person may decline to participate in mediation.

5. Mediation may occur at any point during the decision-making process or after a final decision is made. If mediation occurs after a final decision, any resolution of differences through mediation shall be the subject of another public meeting before the decision-making body.

#### **7-5: DECISION-MAKING CRITERIA.**

The purpose of this Section is to identify the criteria for review and decision on certain types of applications and the required Reasoned Statement of Relevant Criteria and Standards consistent with Idaho Code.

(A) Appeal of Decisions of the Zoning Administrator or Planning and Zoning Commission. The City Council is empowered to reverse, or affirm wholly or partly, or modify the order, requirement, decision, or determination of the Zoning Administrator or Planning and Zoning Commission.

(B) Conditional Use Permit.

1. The Planning and Zoning Commission or City Council shall approve, approve with conditions, or deny a conditional use permit application and shall issue written Finding of Fact and Conclusion of Law in accordance with Idaho Code.
2. In the event an application is denied, the Planning and Zoning Commission or City Council may make recommendations to the applicant or set forth conditions under which it would approve the application and the applicant may resubmit their application.
3. In addition to the conditions specified by the Development Code for conditional uses in each particular Zone, the Planning and Zoning Commission or City Council may impose additional conditions, including, but not limited to:
  - a. Minimizing adverse impact on other developments or adjacent properties.
  - b. Controlling the sequence and timing of development.
  - c. Controlling the duration of development.
  - d. Assuring the development is maintained properly.
  - e. Designating the exact location and nature of development.
  - f. Requiring landscaping of on-site or off-site public facilities or services.
  - g. Restricting the hours of operation of any business or other commercial activity conducted on the premises.
  - h. Such other conditions as may be necessary to preserve the character and harmony of the zone and avoid conflict with the general characteristics of the area designated in the Comprehensive Plan.
4. Prior to granting a conditional use permit, the Planning and Zoning Commission or City Council may require studies of the social, economic, fiscal or environmental effects of the proposed conditional use, and may require the submission of a development plan as set forth in this Code.
5. A conditional use permit is not transferable from one (1) parcel of land to another.
6. Abandonment of or non-use of a conditional use permit for a period of twelve (12) consecutive months shall terminate said conditional use permit, and any privileges granted shall be null and void.
7. Failure to comply with the conditions of approval for a conditional use permit shall be cause for termination of the approval and shall be deemed to be a violation of this Code.

(C) Variances.

1. A variance is a permit issued by the City Council pursuant to Idaho Code.

2. A variance may be issued for the area, width, location, height, and lot coverage requirements as set forth in this Code and from the regulations of this Code which regulate the manner in which conforming uses are developed.
3. Approval of a variance shall be based on the following findings:
  - a. Undue hardship results from physical limitations on development unique to the property upon which the variance is requested and such hardship is not generally applicable to other properties in the same Zone.
  - b. Such hardship is not economic in nature not has it been created by the owner of the property or occupant.
  - c. Granting the variance will not be in conflict with the public interest or create a nuisance or potential harm to the neighborhood in which the lot is located.

#### **7-6: REQUIRED IMPROVEMENTS.**

##### **(A) Standards.**

1. The Zoning Administrator may specify the manner of installing or constructing all required improvements necessary to assure compliance with the requirements of this Code.
2. As determined by the Zoning Administrator improvement drawings and specifications shall be required in the application for a permit.
3. The installation of all required improvements shall conform to the City Standard drawings and specifications and any other design or construction standards adopted by ordinance.
4. The applicant shall file improvement drawings and specifications for all required improvements and shall obtain the approval of the Zoning Administrator prior to the commencement of their construction.

**(B) Inspection.** The City may inspect all required improvements during construction, and upon a finding that such improvements are not being constructed in conformity with the specifications set forth in this Code, the City may order construction to cease and may withhold the issuance of any Certificate of Occupancy.

##### **(C) Installation of Required Improvement.**

1. All required improvements shall be installed at the applicant's expense.
2. All requests for phasing required improvements shall be submitted as part of the application for a permit, and phased installation may be permitted if the phasing was a condition for the issuance of the permit.
3. Phasing shall be permitted only upon a specific finding Zoning Administrator that such phasing will not violate the performance standards set forth in the review of the application and upon the following additional conditions:
  - a. One-half of the required improvements shall be commenced within one year from the date the permit is issued.
  - b. All required improvements shall be completed within three (3) years from the date the permit is issued.

**(D) Completion of Required Improvements.** All required improvements shall be completed prior to occupancy or use of any portion of the property.

##### **(E) Continuous Obligations for Maintenance.**

1. All required improvements not dedicated to the public shall be maintained in a good state of care, condition and repair at all times. All such required improvements which become functionally obsolete or worn out shall be replaced with a comparable improvement.
2. Any applicant or owner of property who fails to maintain any privately-owned required improvement in accordance with the approved plans shall be deemed to be in violation of this Zoning Code.

3. The City may enforce against person or entity that fails to complete the required improvements using the procedure set forth in this Code.

#### **7-7: 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 Zoning Administrator shall initiate the following enforcement actions:
1. The Zoning 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, to end the unpermitted activity.
  3. If a permit is not subsequently issued to authorize the development activity, the Zoning Administrator may require restoration of the site to its original condition when applicable. Required restoration shall include the removal of any unpermitted 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 Zoning Administrator to show that compliance has been attained within the time allowed, or file a written request with the Zoning 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 be granted at the sole discretion of the Zoning Administrator; or file an appeal of the Zoning 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 Chapter, the Zoning Administrator shall have the authority to schedule a public hearing before the decision-making body in conformance with this Code. 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, 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 no 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 8**  
**Appendix A**

**DEFINITIONS.**

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 accessory dwelling unit. The term shall not include additional structures for approved public, commercial, or industrial uses.
Accessory Dwelling Unit:	Accessory living unit on a single-family lot. It may or may not contain its own kitchen but shall contain its own sleeping area and bathroom facilities. They can be attached or detached from the primary residential unit. They are subordinate in size, location, and appearance to the primary dwelling unit. They are commonly referred to as mother-in-law apartments, caretaker units, employee housing, or seasonal housing.
Accessory Use:	A use that is incidental and subordinate to the primary use, and is conducted upon the same property.
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.
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.
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.
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, skate park, 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.
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.
Architecture-Rustic	A style of architecture that emphasizes natural materials, organic shapes, and a sense of ruggedness. It is often associated with rural or countryside settings and is characterized by its use of raw, unfinished materials such as wood, stone, and metal. Rustic architecture is typically simple and unadorned, with an emphasis on functionality over form. The style has its roots in the American Craftsman movement and has been popularized in recent years by the rise of the modern farmhouse aesthetic.
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.
Attractant	Any substance which could reasonably be expected to attract wildlife or does attract wildlife, including, but not limited to, food products, pet food, bird feed, other feed, grain or salt.
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 wrecked, 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.
Bear-Resistant building or Enclosure	Bear-resistant buildings or enclosures are hereby defined as: <ul style="list-style-type: none"> <li>a. A structure consisting of four (4) hard sides. These four (4) sides may be constructed of hard wood, metal siding or chain-link fencing no less than six (6)-feet in height or functional maintained electric fencing; and</li> <li>b. Containing a roof or cover or else the sides must be crowned with electrified fencing or else barbed-wired fencing angled outwards from the top of the four (4) hard sides; and</li> <li>c. Containing functional, maintained self-latching doors/gates or else doors and gates with locks.</li> </ul>

	<p>d. Examples of bear-resistant enclosures include, but are not limited to, garages, metal sheds, houses, and electrified fencing or any other building designed and constructed to prevent access by bears.</p> <p>e. These bear-resistant buildings or enclosures are the preferred storage location for bear attractants.</p>
<p>Bed and Breakfast Establishment:  See section 2-3-A-(J). Clarifies owner/operator. Also Table 2-1 shows there are special conditions.</p>	<p>A residential dwelling providing overnight accommodations and breakfast food service for no more than ten (10) occupants, including the owner and owner's family.</p>
<p>Billboard:</p>	<p>Any sign that advertises a use, business, or activity that is not on the same property (See Sign, Non-accessory, Off-Premises)</p>
<p>Blanketing:</p>	<p>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.</p>
<p>Boarding house:</p>	<p>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.</p>
<p>Brewery:</p>	<p>An establishment that brews thirty thousand (30,000) barrels of beer or more annually and as defined by Idaho Code §23-1003.</p>
<p>Brewpub:</p>	<p>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.</p>
<p>Building:</p>	<p>As used in this ordinance, refers to any structure. Includes liquid and/or gas storage tanks.</p>
<p>Building Face:</p>	<p>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.</p>
<p>Building Height:</p>	<p>The height of a building shall be the vertical distance from the grade to top of the highest point of the building. Where the building walls vary in height, the height of</p>

	the building shall be determined by multiplying the length of each section of said wall by its height and dividing the sum derived there by the total length of wall.
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.
Campground/Recreation Vehicle and Cabin Park	Shall consist of daily or weekly use for tents, cabins, or recreational vehicles. Recreation vehicle spaces and cabins may allow for monthly rental use.
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.
Certified Bear-Resistant Container or Dumpster	Containers or dumpsters and considered to be “bear-resistant” if they are said to meet the “minimum structural design standards” published by the Interagency Grizzly Bear Committee (IGBC) in 1989 and any revisions to these standards thereafter. Certification is granted to containers and dumpsters that have successfully passed a testing program and protocols stipulated in the <i>Bear-Resistant Products Testing Program</i> (October 2005) and all revisions thereafter. The lid must have a latching mechanism or other device of sufficient design and strength to prevent access of the contents by bears.
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.
Cul-de-sac:	A street with a single common ingress and egress and a turnaround at the end.
Contractor’s Yard	A lot, building or structure where equipment and materials of a contractor are stored or where the contractor performs activities permitted by the Zoning

Daycare	Care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood, marriage or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes.
Daycare Center	A place or facility providing daycare for compensation for thirteen (13) or more children.
Daycare-Family Daycare Home	A home, place, or facility providing daycare for six (6) or fewer children.
Daycare-Group Daycare Facility	A home, place, or facility providing daycare for seven (7) to twelve (12) children.
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, 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.
Duplex, Dwelling	A structure containing two dwelling units each of which has direct access to the outside. A structure designed to function as two separate homes. The structure shall meet all requirements of the International Residential Code regarding two-family dwellings as adopted by the agency enforcing the Building Code in the City.
Easement	A right granted by the owner of land to another party for a specific limited use of that land. Easements must be recorded as part of plat or attached to the deed.

Fire Pit	An excavation of approximately sixteen inches (16”) in depth in the ground, surrounded with rocks, stones, bricks, or other non-flammable objects, that protrude at least six inches (6”) above the undisturbed ground level. Any fire pit must also have a ten-foot (10’) diameter of cleared space around the fire pit that is free of all combustible materials, along with a shovel, for the purpose of fire suppression or extinguishing fires.
Foot-Candle:	Foot-candles are measures of the amount of ambient light.
Garbage	Any waste that could reasonably attract wildlife which includes, but shall not be limited to: food, food packaging, toothpaste, deodorant, cosmetics, spices, seasoning and grease. Other household waste that cannot reasonably be considered “garbage” or an “attractant” including, but not limited to: non-edible yard maintenance waste, household items, recyclables cleaned of food particles, and cardboard, shall not require the use of wildlife resistant or wildlife proof containers when not comingled with refuse or any other attractant.
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.
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:	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.
Industrial, Heavy:	A use engaged in the basic processing and manufacturing of materials or products, predominately from extracted or raw materials. A use engaged in storage or manufacturing processes using flammable or explosive materials. 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.
Live/Work Unit	Live/Work units are units in which both non-residential and residential activities are permitted. The unit may be built in a commercial zone or within an R-2 zone within a planned unit development when approved on the master plan.
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:	<p>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.</p> <p>a. Comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the International Building Code;</p> <p>b. Have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation.</p>

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.
Master Sign Plan:	A plan showing all existing and proposed signs as part of a Sign Permit application.
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 manufactured home parks.
Multi-Unit Dwelling:	A dwelling where multiple housing units (in excess of one (1) are contained within one building or multiple buildings. Common types of multi-unit dwellings include duplexes, townhomes, and apartments.
New Construction:	A buildings 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 the adoption of this Code, but does not comply with one (1) or more of the requirements of this ordinance.
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.

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 recording in the Fremont County Land Records, divides land into a subdivision.
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 Roadway:	Pursuant to Idaho State Statutes - 50-1301-10 A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system.
Private Utilities:	Including but not limited to, Cable television, electric power, natural gas, and telephone services.
Public Highway Agency:	Pursuant to Idaho State Statutes - 4-117-22 - "Public highway agency" means the state transportation department, any city, county, highway district or any other state agency that has jurisdiction over public highway systems and public rights-of-way.
Public Roadway:	All portions of any highway controlled by an authority other than the Idaho transportation department. Idaho Statute 67-7101
Recreational Vehicle:	Recreational Vehicle (RV). Means a vehicle that includes living quarters designed for accommodation. The common types are motor homes, including converted buses, travel trailer, campervan, fifth wheel or truck campers.
Recreational Vehicle Park:	See Campground/Recreation Vehicle and Cabin Park
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.
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:	Facilities for operations classified as described and regulated in the use Chapter of this Code.
Sign, Combination:	A sign incorporating any combination of the features of projecting, roof and freestanding signs.
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, Non-Accessory, 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 to the public.
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
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 are 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.
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	A transient rental is a dwelling unit occupied for not more than thirty (30) days located in a residential zoning district.
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 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:	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 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. 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.



