

ZONING AND SUBDIVISION ORDINANCE OF THE CITY OF EAST HOPE, IDAHO

AN ORDINANCE OF THE CITY OF EAST HOPE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING ORDINANCES IN CONFLICT AND ADOPTING A NEW ZONING AND SUBDIVISION ORDINANCE OF THE CITY OF EAST HOPE, IDAHO, TO: PROVIDE PURPOSE; AUTHORITY; DEFINITIONS; ADMINISTRATION; ENFORCEMENT; PENALTIES; PROCEDURES; GENERAL AND SPECIFIC STANDARDS; ZONING DISTRICTS; NEW ZONING DISTRICT R-3; PLANNED UNIT DEVELOPMENT OPTIONS; AND TO PROVIDE UPDATES AND AMENDMENTS TO PARKING, STORMWATER, SIGN, SUBDIVISION AND PROPERTY LINE ADJUSTMENT PROCESSES AND STANDARDS; AND TO PROVIDE FOR A SAVINGS CLAUSE, SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, the Idaho Municipal Corporations Title 50, Chapters 3, 9, and 13 of Idaho Code, and Article XII, Section 2, of the Idaho Constitution provide authority for the City of East Hope, Idaho to adopt ordinances establishing land use and subdivision standards, procedures, and uses; and

Whereas, the City of East Hope, Idaho has adopted zoning and subdivision codes within its city limits; and

Whereas, the City of East Hope, pursuant to Idaho Code §67-6508, updated its comprehensive plan and projected land use map on October 10, 2017, and;

Whereas, the City of East Hope desires to amend its land use regulations to be in accord with the newly adopted comprehensive plan and map; and

Whereas, the City of East Hope desires to update its codes to modernize application requirements, be in accord with the Local Land Use Planning Act procedures, and to correct code provisions and cross-references.

Now therefore, be it ordained by the Mayor and City Council of the City of East Hope, Idaho as follows:

The ordinances listed in Section 1 are hereby repealed and a new Zoning and Subdivision Ordinance of the City of East Hope, Idaho is hereby adopted as follows:

Section 1: Repeal:

The following ordinances of the City of East Hope, Idaho are hereby repealed in their entirety:

- a. Ordinance #272, Establishing Chapter 10 Performance & Design Standards (Communication Towers) and Amending Sections 1-3, Definitions.
- b. Ordinance #261, Regarding permit reporting.
- c. Ordinance #258, Creating Shoreline Residential Zone.
- d. Ordinance #242, Amending Article 3, Section 3-4 of Ordinance #218.
- e. Ordinance #237, Amending procedures for property line adjustment.
- f. Ordinance #222, Amending Ordinance #218.
- g. Ordinance #218, Subdivision and Zoning codes.

Section 2: Adoption:

A new zoning and subdivision ordinance, to be known as the Zoning and Subdivision Ordinance of the City of East Hope, Idaho, Ordinance #285, is hereby adopted as follows in the attached Exhibit A.

Section 3: Savings Clause:

Ordinances repealed by this ordinance shall remain in force to authorize the enforcement, arrest, prosecution, conviction, or punishment of a person who violates ordinances in effect prior to the effective date of this ordinance.

Section 4: Severability:

The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 5: Effective Date:

This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper of the City of East Hope.

Enacted as an ordinance of the City of East Hope, Idaho on this 9th day of April, 2019, 2019, upon the following roll call vote:

Council Member Field AYE

Council Member Grimm AYE

Council Member Barrett AYE

Council Member Bernard AYE

Approved by the Mayor this 9TH day of April, 2019.

City of East Hope Mayor Vern Fleisher

Attest: Christy Franck, City Clerk

Publication of this ordinance by summary in the official newspaper is hereby approved by the East Hope City Council on this 9th day of April, 2019, upon the following vote:

Council Member Field AYE

Council Member Grimm AYE

Council Member Barrett AYE

Council Member Bernard AYE

Approved by the Mayor this 9TH day of April, 2019.

City of East Hope Mayor Vern Fleisher

Attest: Christy Franck, City Clerk

EXHIBIT A
ZONING AND SUBDIVISION ORDINANCE
OF THE CITY OF EAST HOPE, IDAHO
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ARTICLE 1 GENERAL PROVISIONS

SECTION 1-1: SHORT TITLE:

This ordinance shall be known and designated as the “Zoning and Subdivision Ordinance of the City of East Hope, Idaho.”

SECTION 1-2: AUTHORITY:

The authority to adopt this ordinance is provided at Idaho Code Title 50, Chapters 3, 9, and 13; Title 67, Chapter 65; and the Idaho Constitution, Article XII, Section 2, as currently comprised or as subsequently amended.

SECTION 1-3: PURPOSE:

The purpose of this ordinance is to encourage appropriate and orderly physical development in the city through standards for provision of adequate open space for light and air, protection of view sheds and sight lines, desired levels of population density, workable relationships of land uses to the transportation system, adequate community facilities, assurance of opportunities for effective utilization of land and to promote in other ways public health, safety, convenience, and general welfare.

SECTION 1-4: APPLICABILITY:

Provisions of this ordinance shall apply, to the extent permitted by law, to all property within the incorporated boundaries of the City of East Hope, Idaho.

SECTION 1-5: MINIMUM REQUIREMENTS:

The provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this ordinance conflict with the requirements of any other legally adopted ordinance, the ordinance providing the greatest measure of protection for the public health, safety, and general welfare shall apply.

ARTICLE 2 DEFINITIONS

SECTION 2-1: INTERPRETATION OF WORDS OR TERMS:

For the purposes of this ordinance, the following definitions and rules of construction shall apply:

- A. Words used in the present tense shall also include the future.
- B. Words or phrases used in the singular number shall also include the plural, and words used in the plural shall also include the singular. The masculine pronoun shall include the female pronoun.
- C. The word "Shall" is mandatory and not permissive.
- D. The word "May" is permissive.
- E. The words "used" or "occupied" shall include within their meaning "intended, arranged or designed to be used or occupied."
- F. Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used.
- G. The following words shall have the following meanings unless otherwise defined in a particular article:

SECTION 2-2: DEFINITIONS:

ABANDONMENT: To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement. Having property or district lines in common.

ACCESSORY APARTMENT: A separate and complete dwelling unit that is contained within the structure of a single-family dwelling unit and contains no more than twenty-four percent (24%) of the total habitable floor area of the structure.

ACCESSORY STRUCTURE: A subordinate building that is located on the same lot or parcel on which the main building is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or to the main use.

ACCESSORY USE: A use incidental to, and on the same lot as, a principal use.

ADJOINING: Adjoining means two or more lots or parcels of land sharing a common boundary line, or two or more structures, buildings or objects in contact with each other.

ALLEY: A public or private way permanently reserved as a secondary means of access to abutting property.

ALTERATION: Any change, addition, or modification in construction or occupancy of an existing structure.

ALTERATION, STRUCTURAL: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

ANTENNA: A device or system of wires, poles, rods, dishes or other devices of similar function, used for the transmission and/or reception of radio frequency signals for wireless communications, as described in the telecommunications act of 1996. It may include an omnidirectional antenna (whip), a directional antenna (panel) and parabolic antenna (disk). It does not include the support structure.

ANTENNA ARRAY: A set of one or more antenna.

ANTENNA, FACADE ATTACHED: Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

BASEMENT: A story partly underground and having at least one-half of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half of its height is below the average adjoining grade. A basement or cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five feet (5').

BED & BREAKFAST: An owner-occupied dwelling unit that contains guest rooms where lodging, with or without meals, is provided for compensation.

BILLBOARD: A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

BOARDING, LODGING OR ROOMING: A building where lodging, with or without meals, is provided for compensation for not fewer than four (4) nor more than twelve (12) persons in addition to house members of the family occupying such building.

BUFFER AREA: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

BUILDING: Any structure built, placed, or used for support, shelter, occupancy, or storage.

BUILDING CODE: The Building Code in effect for the City of East Hope.

BUILDING HEIGHT: The vertical distance between two (2) points, said points being described as follows: starting at the highest point of the existing grade (point 1) on the up-slope building elevation, to another point where the upward perpendicular extension from point 1 intersects a horizontal line extending from the highest point of the roof structure, excluding chimneys, cooling towers, elevator bulkheads, tanks, or water towers.

BUILDING LINE: A line parallel or approximately parallel to the street line at a specified distance there from establishing the minimum distance from the street line that a building may be erected.

BUILDING, MAIN: A building in which the principal use of the lot, on which it is situated, is conducted.

CAMPGROUND: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open-air or natural character.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHILD: A person younger than thirteen (13) years of age.

CHILDCARE PROVIDER: Any person, business, or not-for-profit entity providing care and supervision for compensation during any part of a twenty-four (24) hour day for children not related by blood, marriage, or legal guardianship to the person providing the care, in a place other than the child's or children's own home or homes.

CHURCH OR PLACE OF RELIGIOUS WORSHIP: A nonprofit organization, as determined by the Internal Revenue Service, which uses buildings, structures, or land for the teaching or practice of religious doctrine or related social functions.

CITY: The municipal corporation of East Hope, Idaho.

CLINIC: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

COLLOCATION: The use of a common wireless communication facility or common site by two (2) or more service applicants or use by one applicant of a single site for two (2) or more technologies. It is also called site sharing.

COMMUNITY CENTER: A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

CONDITIONAL USE: A use that is not appropriate to be permitted outright generally or without restriction throughout the zoning district but may be authorized following an application process, public hearing, a finding that the use complies with the standards established by this ordinance, and the setting of conditions as authorized by these regulations. Conditional use permit, as used in these regulations, is the same as special use permit referred to in Idaho Code §67-6512. A conditional use is a use that is specifically listed by these regulations as being conditionally permitted in a given zone.

CONDOMINIUM: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

CONSERVATION AREAS: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include freshwater marshes, shallow grassy ponds, natural shorelines, and other areas of significant biological productivity or uniqueness.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

DAYCARE, ADULT: A place or facility, other than a hospital or group residence as defined by Idaho Code §67-6531, providing care for adults for compensation, during any part of a twenty-four (24)-hour day.

DAYCARE CENTER: A place or facility providing daycare for compensation for thirteen (13) or more children.

DAYCARE, GROUP: A place or facility providing for daycare for between seven (7) to twelve (12) children.

DAYCARE, IN-HOME: A place or facility for the care and supervision within a residential dwelling unit for up to six (6) children not related by blood, marriage or legal guardianship to the resident providing the care, in a place other than the child's or children's own home or homes.

DENSITY: The number of dwelling units per acre.

DEVELOPMENT: The division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; and mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

DISTRICT: A term defined the same as, and which may be used interchangeably, with the term "zone."

DRIVE-IN FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DUPLEX: Duplex means any building designed to contain, exclusively, two dwelling units affixed to one another by a common wall or ceiling/floor.

DWELLING: A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings, but not including hotels and boarding and lodging houses.

DWELLING, MULTI-FAMILY: A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

DWELLING, SINGLE-FAMILY, ATTACHED: A building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

DWELLING, SINGLE FAMILY, DETACHED: A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

DWELLING UNIT: One or more rooms designed for occupancy by one family for living purposes, but not including motel units.

EASEMENT: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

FAMILY: One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to delineate a boundary, provide privacy, form an enclosure, or provide decorative screening. Fences shall include walls, latticework, and screens, but shall not include trees, shrubs, or other types of vegetation.

FLOOD PLAIN: Any land area susceptible to being inundated by water from any source, including flood-prone areas.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

FRONTAGE: The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

GARAGE, PRIVATE: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GRADE, EXISTING: The natural grade prior to any site excavation, grading or filling as of the effective date of the adoption of this definition.

GUEST HOUSE: A detached structure for human habitation, containing one or more rooms with bath and toilet facilities, but not including a cooking facility which would otherwise provide a complete housekeeping unit.

HARD SURFACE: Includes bituminous surface treatment (BST), asphalt concrete pavement (ACP), or Portland cement concrete pavement.

HAZARDOUS SUBSTANCES: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

HEALTH RECREATION FACILITY: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzis, and/or sauna, spa, and pro shop.

HIGH-WATER MARK, NATURAL, ORDINARY. The natural or ordinary high-water mark is an elevation at which water impresses a line on the shore by covering it for sufficient time to deprive soil of its vegetation and destroy its value for agricultural purposes.

HIGH-WATER MARK, ARTIFICIAL. The high-water elevation above the natural or ordinary water mark created by manmade dams or control works and impressing a new and higher vegetation line on the shore.

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling or accessory residential structure and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, doctors' offices, hospitals, barber shops, beauty parlors, millinery shops, real estate offices, tea rooms, tourist homes, animal hospitals and kennels, among others, shall not be deemed to be home occupations.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

HOUSEHOLD PET: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents. No household pet shall create objectionable noise, odor, or be vicious.

IMPERVIOUS SURFACE: Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

JUNK: Includes, but is not limited to used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been abandoned, demolished, discarded, partially dismantled, dilapidated, or deteriorated so that it cannot be used for its original intended use. The term shall include dismantled, inoperable, unlicensed, or abandoned vehicles.

JUNKYARD: An open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A wrecking yard is also considered a junkyard.

KENNEL: Any premises where four (4) or more dogs, cats or other pets twelve (12) weeks in age or older, are kept with or without charge.

LAUNDRY, SELF-SERVICE: A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LOT: A platted property that is part of a subdivision of land recorded in the book of plats in the office of the county recorder.

LOT AREA: The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

LOT, CORNER: A lot abutting on and at the intersection of two or more streets.

LOT, COVERAGE: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT, FLAG: A lot with access provided to the bulk of the lot by means of a narrow corridor.

LOT, INTERIOR: An interior lot is a lot other than a corner lot.

LOT LINE: The boundary line of a lot.

LOT LINE, FRONT: On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR: The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

LOT LINE, SIDE: Any boundary of a lot that is not a front or rear lot line. On a corner lot, a side line may be a street lot line.

LOT OF RECORD: A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

LOT, SUBSTANDARD: A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such a lot or parcel was of record as a legally created lot at the time of its creation.

LOT, THROUGH: A lot that has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lot lines shall be deemed front lot lines.

LOT WIDTH: If the side property lines are parallel, the distance between these side lines; or if the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front yard setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

MANUFACTURED HOME: (Formerly mobile home) means a structure, constructed according to the HUD/FHA mobile home construction and safety standards, transportable in one or more sections, which, in 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 paragraph 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. 5401 et seq.

MARINA: A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft and/or commercial craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

MOBILE HOME: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

MOBILE HOME PARK: A unified development of three (3) or more mobile home spaces or stands arranged on a tract of land for rent or lease.

MOTEL: A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises.

NONCONFORMING BUILDING OR STRUCTURE: Any building or structure that was lawfully constructed under the land use regulations in effect at the time of construction but does not meet the current standards for building size, location on a lot, or other dimensional or bulk standards for the district in which such building or structure is located.

NONCONFORMING STRUCTURE AND USE IN COMBINATION: Any use of a building or structure in combination with a land use that was lawfully established under the land use regulations in effect at the time but does not conform with current allowed uses for the zoning district in which it is located.

NONCONFORMING LOT OR PARCEL: A lot or parcel that was lawfully created under the land use regulations in effect at the time of its creation, but that does not now conform to lot size minimums, design, or other standards.

NONCONFORMING USE: A lawfully established use of land that does not comply with the current land use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

NURSING OR REST HOME: A home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided for compensation; but not including hospitals.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OPEN SPACE: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OPEN SPACE, COMMON: Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for common use or enjoyment.

OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, junk material, merchandise, or vehicles in the same place for more than 48 hours.

PARCEL: An unplatted tract of land not within a recorded subdivision that is uniquely described on a legal instrument of conveyance.

PARK: An area open to the general public and reserved for recreational, educational, or scenic purposes.

PARKING, SHARED: The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

PARKING SPACE: An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and town home residential uses shall be considered to have a means of access to a public street.

PCS: "Personal communications service" as defined in the TCA and Federal Communications Commission regulations.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations, and the approved plans and specifications of a development.

PRINCIPAL BUILDING: A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

PRINCIPAL USE: The main use of land or structures, as distinguished from a secondary or accessory use.

RECREATIONAL VEHICLE (RV): A motor home, travel trailer, truck camper, fifth-wheel trailer, a park model recreational vehicle, as defined by Idaho Code, titles 39 and 49, converted bus, van or other vehicle, or camping trailer that is designed and used for temporary living quarters. The RV may be under its own power or be mounted or drawn by another vehicle. In no case shall a recreational vehicle be considered a dwelling.

RECREATIONAL VEHICLE PARK: A site used primarily for transient service, on which two or more recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for such vehicles, meeting all of the requirements of this ordinance.

RESORT: A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

RESTAURANT, DRIVE-IN: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RIDGELINE: The highest point of the roof structure.

ROOMING HOUSE: A residential structure that provides lodging with or without meals, is available for long term occupancy only, and which makes no provisions for cooking in any of the rooms occupied by paying guests.

SATELLITE DISH ANTENNA: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four meters in diameter, while commercial dish antennas are usually those larger than four meters and typically used for broadcasting.

SCHOOL, BUSINESS: A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade school.

SCHOOL, COMMERCIAL TRADE: A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

SCHOOL, PRIVATE OR DENOMINATIONAL: A school having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

SCHOOL: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

SCENIC CORRIDOR: Those roadways that have a view of unusual natural significance in the city.

SCENIC EASEMENT: An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

SCREENING: A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition; walls, berms, or plantings.

SELF-SERVICE STORAGE FACILITY: A building consisting of individual, small self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

SERVICE STATION: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

SETBACK: The minimum distance from a property line or other boundary specified by this ordinance that a building or structure can be placed, located, or constructed.

SITE PLAN: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over five feet (5') above the average level of the finished ground surface adjoining the exterior walls of such story, or it is used for business or dwelling purposes.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE: A dividing line between a lot, tract, or parcel of land and a contiguous street.

STRUCTURE: A combination of assembled materials providing shelter, support or an extension of shelter or support, including, but not limited to, buildings, signs, towers, tanks, decks, platforms, porches, walls, pools, roofed storage areas, manufactured buildings, or offices, located above or below ground, whether constructed, assembled or erected on site or preconstructed and placed on site.

STRUCTURE OR BUILDING, TEMPORARY: A manufactured or pre-built structure on wheels or skids used to store construction tools and materials that is not permanently attached to the ground.

SUBDIVISION: The division of land for the purpose of the sale, lease, transfer, or building development into two (2) or more lots, tracts, or parcels, within the incorporated area of the city.

TAVERN: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

TCA: The Telecommunications Act of 1996.

TOWER, FREESTANDING: A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.

TOWNHOUSE: Any building designed to contain, exclusively, two or more dwelling units affixed to one another by a common wall.

TRUCK TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

VACATION RENTAL, SHORT-TERM RENTAL: Any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or fewer. Short-term rental or vacation rental does not include a unit that is used for any retail, restaurant, banquet space, event center or another similar use.

VARIANCE: A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WIRELESS COMMUNICATION: Any "personal wireless services" as defined by the TCA and licensed by the Federal Communications Commission, including, but not limited to, the types commonly known as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, ground based repeaters for satellite radio services, amateur radio facilities, microcell antennas and similar systems which exist now or may be developed in the future and exhibit technological characteristics similar to them.

WIRELESS COMMUNICATION FACILITY (WCF): Any component of the wireless communication installation including any towers, antennas, antenna arrays, and any structures or devices used to contain ancillary equipment for a wireless communication facility, such as cabinets, shelters, additions to existing structures, pedestals, and other devices serving similar purposes. Typically, it includes an air conditioning unit, a heating unit, electrical supply, telephone hookup and backup power supply and may include any service roads or other access accommodations used to service the facility.

WRECKING YARD: The dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land in the open of two or more inoperable or unlicensed motor vehicles for a period exceeding thirty (30) days, shall constitute prima-facie evidence of a wrecking yard.

YARD: Any open space located on the same lot or parcel with a building, unoccupied and unobstructed from the ground up, with such projections as are expressly permitted in these regulations.

YARD, FRONT: A yard extending across the full width of the lot or parcel, abutting a street or access easement from which the lot or parcel gains primary access. Where a lot or parcel fronts on intersecting streets, the yard fronting on the street or easement providing primary vehicular access shall be deemed the front yard. Property fronting on parallel streets shall be deemed to have two (2) front yards.

YARD, REAR: A yard extending across the full width of the lot or parcel that is most opposite the front yard.

YARD, SIDE: A yard that generally is perpendicular to the front and rear property lines, extending from the front yard to the rear yard along each side of the lot or parcel. Any property line not defined as a front or rear property line is by default a side property line.

ZONE: A portion of the territory of the city, exclusive of streets, alleys, and other public ways, within which certain uses of land, premises, and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings.

ZONING DISTRICTS: A classification within which the regulations specified are uniform and which is assigned to a particular area of the city by delineation upon the Zoning District Map which is a part of this ordinance.

ZONING DISTRICT MAP: The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.

**ARTICLE 3
ADMINISTRATION AND ENFORCEMENT**

SECTION 3-1: ADMINISTRATOR DESIGNATED:

The mayor may appoint an administrator of planning services (administrator), subject to the approval of city council, who shall have the following duties:

- A. Assist the mayor and city council in the administration and implementation of the zoning and subdivision ordinances;
- B. Advise the public regarding zoning and subdivision provisions and land use application requirements;
- C. Administer land use permits, notifications, and similar administrative duties;
- D. Investigate possible violations of the land use ordinances, as directed by the city;
- E. Perform other duties as assigned by this ordinance or city council.

SECTION 3-2: FEES:

The city council shall establish by resolution a schedule of fees, charges and expenses and for matters pertaining to the administration and enforcement of this ordinance requiring investigations, advisory reports, inspections, legal advertising, public proceedings, postage, professional services, and other expenses. The schedule of fees will be available in the office of the city clerk. Until all applicable fees, charges and expenses have been paid in full, no application shall be deemed complete for processing pursuant to this ordinance.

SECTION 3-3: VIOLATIONS:

Violations of this ordinance are hereby declared to be unlawful and subject to the penalties established by this article and other provisions of law established by the State of Idaho.

SECTION 3-4: COMPLAINTS OF VIOLATIONS:

When a violation of this ordinance is alleged to have occurred, any person may file a written complaint with the city clerk. The complaint shall fully state the circumstances of the violation. The city may investigate the alleged violation and take action when circumstances warrant. The city may dismiss the complaint upon a finding that there is insufficient evidence to confirm a violation exists.

SECTION 3-5: PENALTIES AND REMEDIES:

- A. Failure to comply with any provision or requirement of this ordinance or terms and conditions of permits shall be deemed a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in jail not exceeding six (6) months or by both such fine and imprisonment. Each day the violation continues may be considered a separate offense.
- B. Any person or entity, agency, tenant, contractor, or subdivider who commits, participates in, assists in, or maintains such violation shall be guilty of a violation.
- C. Nothing contained in this ordinance shall prevent a public official or affected person from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance.
- D. City legal counsel or designee may, with the approval of city council, commence civil actions or proceedings to restrain, abate, terminate, or remove any violations of this ordinance.

- E. The city may impose fees to recover the costs for the investigation and abatement of violations.

SECTION 3-6: CORRECTIVE ACTIONS:

Whenever the city determines a violation of this ordinance has occurred, it shall provide the property owner or alleged violator with written notice of the alleged violation by certified mail at the address shown on the current county assessor tax rolls or by personal service. The notice shall:

- A. Specify the circumstances of the violation and affected ordinance sections;
- B. State the actions that are to be taken to gain compliance;
- C. Provide a deadline by when actions must be taken to abate the violation.

SECTION 3-7: AUTHORITY TO ISSUE STOP WORK:

The administrator or designee shall have the authority to issue a stop work order for any activity occurring contrary to this ordinance. The stop work order shall be in writing and posted on the property where the alleged violation is occurring. Written notice shall also be provided consistent with the procedures of Section 3-6. Continuing to work or perform activities in violation of the stop work order shall be deemed a violation of this ordinance and is subject to the penalties set forth in this article.

ARTICLE 4 PROCEDURES

SECTION 4-1: PURPOSE:

The following procedures are adopted pursuant to and consistent with Title 50, and Title 67, Chapter 65, Idaho Code. These procedures ensure applications are considered in a timely manner, with due process of law, and in accord with the standards set forth in the Local Land Use Planning Act.

SECTION 4-2: APPLICATIONS REQUIRED:

Applications shall be made upon forms furnished by the city. To be determined complete, all applications shall include all the general and specific information required by this ordinance.

SECTION 4-3: APPLICATION FEES:

Applicable fees shall be paid at time of filing a completed application. Application and deposit fees shall be set by resolution adopted by the city council. Said fees shall be in addition to any other costs incurred in the processing of applications and subsequent actions complying with the statutes of the State of Idaho or the ordinances, rules or regulations of the East Hope City Code. Costs shall include, but are not be limited to, costs of mailing, postage, legal notice, professional services, certifications, and other costs, which shall be itemized by the city and paid by the applicant upon receipt of a statement for the same.

SECTION 4-4: GENERAL APPLICATION PROCEDURES:

- A. Prior to filing an application with the city, the applicant shall review the proposal with the administrator.
- B. The completed application and fee shall be submitted to the city clerk.
- C. The administrator shall have a reasonable amount of time to review the application for completeness, based on application requirements. A reasonable time is about thirty (30) days.
- D. The administrator shall inform the applicant in writing of any additional items required to complete the application.
- E. For applications requiring public hearing, as set forth in Section 4-5(D), the following procedures apply:
 1. Once the application is deemed complete, the administrator shall provide the application to affected agencies for comment and review. Affected agencies include, but are not limited to, city services, health, fire, sewer, and school districts, and state transportation. The agency comment period may be up to thirty (30) days.
 2. After completion of the agency comment period, the administrator shall forward the comments to the applicant, requesting additional information when applicable. The applicant shall provide the requested additional information prior to the city scheduling the item for hearing.
 3. Upon completion of the agency review, the city shall schedule the application to public hearing, allowing sufficient time for public hearing notice, as required by Title 67, Chapter 65 of Idaho Code.
 4. Related applications by the same landowner for a single site may be heard concurrently.

5. The city shall provide the applicant with a written notice of decision following the final action by the Council. The notice shall specify:
 - a. The outcome of the vote;
 - b. The ordinance and standards used in evaluating the application;
 - c. The reasons for the decision;
 - d. The actions, if any, the applicant could take to obtain approval;
 - e. The applicant rights to request a regulatory taking analysis or file an appeal.
- F. For administrative determinations, the following procedures apply:
 1. The administrator shall review the application for completeness. If additional information is needed to complete the application, the administrator shall advise the applicant in writing.
 2. After a review of the complete application, the administrator shall issue a written decision that addresses items 5b through 5e of Section 4-4(E).
 3. Appeals of the administrative decision are subject to the provisions of Section 4-7.

SECTION 4-5: PUBLIC HEARING NOTICE AND PROCEDURES:

- A. Notice. For the applications requiring public hearings listed at subsection D of this section, the city shall comply with the public notice requirements of the Idaho Local Land Use Planning Act for the specific file type. Noticing for preliminary plat public hearings shall follow the same requirements set forth for conditional use permits. The council shall hold at least one public hearing in which interested persons shall have an opportunity to be heard.
- B. Alternate Notice. When notice is required to two hundred (200) or more property owners or purchasers of record, notice may be provided by a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.
- C. All public hearings are subject to the procedures and requirements as established by resolution of the city council.
- D. The following applications require a public hearing before the city council:
 1. Comprehensive plan amendments to map or text;
 2. Zoning text and map amendments;
 3. Conditional use permits;
 4. Planned unit developments;
 5. Variances;
 6. Subdivision preliminary plats;
 7. Plan and zoning changes upon annexation of unincorporated areas.

SECTION 4-6: ADMINISTRATIVE REVIEWS AND PERMITS:

Administrative reviews and approvals for those permits and decisions that do not require a public hearing pursuant to these codes or the Idaho Local Land Use Planning Act, shall be subject to the following procedures:

- A. All administrative permits, requests for interpretations, or other administrative reviews shall be filed in writing with the city clerk, along with the fee set by resolution of city council.
- B. The planning administrator shall have a reasonable time to review the permit or request for completeness and conformance with the standards of these codes. The administrator may request the applicant provide additional information to complete the application.
- C. The planning administrator shall provide a written decision, citing the standards of review, whether the permit is approved or denied, reasons for the determination, and any conditions of approval.

- D. Any decision made by the planning administrator is final, unless appealed to the city council, pursuant to Section 4-7 of this ordinance.

SECTION 4-7: APPEALS:

- A. Appeal From City Council Decision: The decision by the city council shall constitute the final decision. An affected person aggrieved by the decision may seek judicial review under the procedures provided in Title 67, Chapter 65, Idaho Code, as the same may be amended
- B. Appeal From Planning Administrator Decision: Any person, group, association or body corporate which asserts that the planning administrator has erred in the interpretation of this ordinance, or has allowed or disallowed an administrative exception in error, or is aggrieved by any final determination made by the planning administrator, may, within twenty-eight (28) days of such written interpretation, allowance, disallowance or determination, request in writing that the city council make a clarification or take corrective action. Such request shall be placed on the next available agenda for a regular meeting of the city council, at which time the city council may act to clarify the intent of the ordinance, uphold, modify or reverse any administrative exception or final determination made by the planning administrator.

ARTICLE 5 ZONING MAP AND DISTRICTS

SECTION 5-1: ZONING MAP:

- A. Zoning classification and zoning districts shall be, and the same are hereby established for all real property lying within the city. All real property is hereby zoned or rezoned and zoning classification is hereby established for all property lying within the city in accordance with and pursuant to the adopted official zoning map.
- B. The adopted official zoning map depicting the zoning classifications for the real property located within the city creates, zones, rezones and/or re-establishes zoning classification and the boundaries surrounding each zoning district for all real property lying within the city.
- C. The adopted official zoning map, made a part hereof by reference and certified by the mayor and city clerk upon the adoption of said map, shall be retained as the official records of the city. The official zoning map may be reviewed by the public at city hall during regular business hours. Copies of the map shall be made available to the public upon request. The official zoning map shall be kept on file with the office of the city clerk.
- D. Upon adoption, said map shall be referred to as the official zoning map of the city unless and until further amended or modified by appropriate legal ordinance. The map on file with the city clerk shall constitute the legal evidence of the existing zoning classification for all lands located within the city.
- E. The boundaries of the zones shall be established and clearly marked upon the official zoning map. Any amendments to the official zoning map approved in accord with the procedures and standards of Idaho Code and this ordinance shall be depicted on the official zoning map. Each amendment shall document the ordinance authorizing the change and the boundaries affected. A register of map amendments and descriptions of affected lands shall be maintained by the city clerk, until a replacement official zoning map is approved, pursuant to this section.
- F. If the official zoning map is damaged, lost, destroyed, is difficult to read due to multiple amendments, drafting errors, or contains outdated aerial imagery, parcel information, or mapping technology, the city council may adopt by resolution a replacement official zoning map to supersede it. The replacement map shall not amend any zoning district boundaries but shall only serve to replace the official zoning map.

SECTION 5-2: INTERPRETATION OF BOUNDARIES:

- A. Where uncertainty exists as to any boundary of any district as shown on the official zoning map, the boundary shall be interpreted following the nearest logical lines to that shown. Where shown as approximately following platted lot lines, such boundary shall be construed as following such lot lines. Where shown as following approximately the city limits, railroad tracks, street center lines, stream or water center lines, or shorelines, such boundary shall be construed as following such lines. Boundaries indicated as extensions of, or parallel to, such lines shall be so construed. Where distances are not shown on the map, they shall be determined by the scale of the map.

- B. Where any uncertainty exists as to the location of the boundary of any district, or as to any distance, or where any boundary appears to conflict with physical or cultural features on the land, the administrator of planning services, on request of any person, shall make a preliminary interpretation. This preliminary interpretation, shall be consistent with the foregoing rules of interpretation, shall be advisory in nature, and shall not constitute an order or requirement. A copy of each such interpretation shall be filed with the city clerk.
- C. Any mapping determination made by the planning administrator may be appealed to the city council, as provided at Section 4-7(B) of this ordinance.

SECTION 5-3: ZONING DISTRICTS DESIGNATED:

For the purpose of zoning and subdivision regulations for the lands within the incorporated city limits of East Hope, Idaho. The zoning districts as shown in the table at Section 5-4 are hereby established. The zoning districts are applied as shown on the official zoning map of the City of East Hope, on file with the city clerk.

SECTION 5-4: ZONING DISTRICT AND MAP SYMBOLS:

Zoning Designation	Map Name/Abbreviation
Single-family Residential-1	(R1)
Medium-density Residential	(R2)
Residential-1/3	(R3)
Shoreline Residential	(SR)
Shoreline	(S)
Neighborhood Commercial	(NC)

SECTION 5-5: ZONING DISTRICT USES:

The following tables establish the various land uses within East Hope by zoning districts. Interpretation of the use tables are as follows:

- A. Land use classifications are listed in the table rows.
- B. Zoning districts are listed in the table columns.
- C. Where the column and row intersect, a symbol or blank will be shown to indicate what uses are authorized or prohibited.
- D. The symbol "P" indicates a use is permitted outright, subject to the general and specific standards of the zoning district.
- E. The symbol "C" indicates the use is conditionally permitted, subject to the specific and general standards and with approval of a conditional use permit.

- F. A blank cell indicates the use is not allowed in the zoning district.
- G. If a use is not shown, the regulations at Section 5-9 for determining new and unlisted uses shall apply.
- H. Standards or restrictions associated with a use are identified by numbers within parenthesis in the use row. The standards are provided below each table.

SECTION 5-6: RESIDENTIAL USE TABLE:

P = Permitted; C = Conditionally permitted; Blank = Prohibited

USE	Single-family Residential 1 (R1)	Medium Density Residential (R2)	Single-family Residential 1/3 (R3)	Shoreline Residential (SR)	Shoreline (S)	Neighborhood Commercial (NC)
Accessory apartment (1)		C	C			
Accessory structure, garage, outbuilding (2)	P	P	P	P	P	P
Daycare, in-home		C				
Duplex (3)		C		C	C	C
Gardening and other residential horticultural and agricultural uses (4)	P	P	P	P	P	P
Guest house				C	C	
Home occupation (5)	P	P	P	P	P	P
Multi-family dwelling				C(6)	C(6)	
Parking spaces required by code	P	P	P	P	P	P(7)
Repair, maintenance of commercial vehicles or heavy equipment						
RV occupancy (8)	(8)	(8)	(8)	(8)	(8)	(8)
Satellite dishes, roof-mounted						
Single-family dwelling (9) and manufactured homes (10)	P	P	P	P	P	P
Temporary building and use for construction purposes (11)	P	P	P	P	P	P

Residential table standards:

- (1) Two (2) off-street parking spaces shall be provided in addition to required parking for main dwelling.
- (2) Incidental, accessory to residential uses. Accessory buildings shall not be used, occupied, or equipped for a permanent dwelling or guest house.
- (3) Duplex site area minimum is double the minimum lot size of the applicable zoning district, as provided in Table 6-2 of this ordinance.
- (4) No sales of produce permitted on site.
- (5) Subject to standards of Section 6-3A, Home Occupations.
- (6) Dwelling units based on a minimum 10,000 square feet of land per unit.
- (7) Including parking lots serving adjacent businesses.
- (8) Subject to the standards of Section 6-3(E), RV occupancy.
- (9) One dwelling unit per lot/parcel.
- (10) Manufactured homes installation subject to Section 6-3(C) standards.
- (11) Permitted for up to one year on site where construction is occurring under an approved building permit. Temporary building shall be set back a minimum of 5 feet (5') from all property lines and may not be located within public rights-of-way.

SECTION 5-7: COMMERCIAL USE TABLE:

P = Permitted; C = Conditionally permitted; Blank = Prohibited

USE	Single-family Residential 1 (R1)	Medium Density Residential (R2)	Single-family Residential 1/3 (R3)	Shoreline Residential (SR)	Shoreline (S)	Neighborhood Commercial (NC)
Adult bookstore, shop, business (1)						
Banks, financial institutions						P
Bed and breakfast				C	C	C
Book, stationery store					C	P
Cell towers (wireless communication facility)	C	C				C
Convention center					C	
Gas or service stations, convenience store					C (2)	
Daycare, adult, group and center						C
Hardware store					C (2)	
Health recreation facility					C	P
Laboratories, medical, dental, optical						P
Laundromat						P
Library						P
Marina					C	
Motel, hotel					C	
Offices, professional, medical, dental, optical, administrative						P
Personal services, barber and beauty shops						P
Retail, grocery store, drug store, bakery					C (2)	P
Restaurant					C	P
Studios, art, photography					C	P

USE	Single-family Residential 1 (R1)	Medium Density Residential (R2)	Single-family Residential 1/3 (R3)	Shoreline Residential (SR)	Shoreline (S)	Neighborhood Commercial (NC)
Vacation rental, short-term rental (3)	P	P	P	P	P	P
Veterinary office or clinic (4)						C
Wrecking yard, junk yard						

Commercial table standards:

- (1) As regulated by the State of Idaho at IC§67-6533 and IC§18-4113.
- (2) All businesses and service stores or shops or shall be conducted wholly within completely enclosed buildings, except for automobile parking and off-street parking, loading areas.
- (3) Subject to standards of Section 6-3(D), Short-term rentals.
- (4) Shall be conducted within a completely enclosed building.

SECTION 5-8: PUBLIC/OTHER USE TABLE:

P = Permitted; C = Conditionally permitted; Blank = Prohibited

USE	Single-family Residential 1 (R1)	Medium Density Residential (R2)	Single-family Residential 1/3 (R3)	Shoreline Residential (SR)	Shoreline (S)	Neighborhood Commercial (NC)
Churches	C	C(1)				P
Fire station	C	C	C	C	C	C
Hospital						C
Municipal buildings	C	C	C	C	C	C
Parks, public or private	C	C			P	P
Police station		C	C	C	C	C
Recreation building, community center (municipally owned) (community assembly)		C			C	C
Schools, public or private (2)	C	C			C	C
Storage or parking of commercial vehicles and/or heavy equipment, for 48 hours or more						C

Public/other use table standards:

- (1) Including accessory buildings used for religious teachings.
- (2) Except those schools of vocational nature, which operate similarly to a retail business where a product or products can be purchased on the premises.

SECTION 5-9: NEW AND UNCLASSIFIED USES:

When a use is proposed that is not listed in city regulations as permitted, conditionally permitted, or prohibited, the following procedures shall be used to determine the appropriate zoning classification for any new, unanticipated, or unclassified uses proposed in the city:

- A. Request. Anyone proposing a new or unclassified use shall submit to the city a description of the proposed use, including the type and nature of the use, activities, anticipated employment, use of machinery, and any other details the city determines necessary to fully evaluate the use.
- B. Review. The administrator of planning services shall review the proposed use, the nature of the proposed operations, and its similarity to other uses in zoning regulations. Using the North American Industry Classification System (NAICS) as amended, modified, or superseded, the administrator shall recommend to city council that:
 1. The use falls within the same industrial classification as another similar use that is permitted, conditionally permitted, or prohibited in city zoning regulations. The proposed use shall be similarly classified and shall be designated as permitted, conditionally permitted, or prohibited.
 2. The use is unique, and an amendment to zoning regulations, at the landowner's expense, would be necessary to determine placement in the appropriate zoning district.
- C. The city council shall make the final determination regarding the new or unclassified use at a regular meeting, allowing sufficient time for agenda notice.

**ARTICLE 6
ZONING DISTRICT STANDARDS**

SECTION 6-1: ZONING DISTRICT GENERAL PROVISIONS:

- A. Construction and placement:
1. No building or structure shall be erected, converted, enlarged, placed, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.
 2. No zoning or building permit shall be issued for the use, construction, remodel, or placement of any structure that is not in conformance with the use or development standards set forth in these regulations.
 3. No space which for the purpose of building, dwelling, or development, has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by these regulations, may by reason of change of ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court or other open space requirement of or for any other building or development.
 4. An open, unroofed terrace, deck, or porch or a one-story bay window may project into a required front or rear yard setback not more than three feet (3'). A one-story bay window may project into a required side yard three (3) feet when the side yard setback is greater than fifteen feet (15'). Overhanging eaves, including gutters, may project over the required setbacks not more than twenty-four (24) inches.
 5. Every building hereafter erected or structurally altered to provide dwelling units, shall be located on a lot or parcel as herein defined, and in no case shall there be more than one such building per lot or parcel.
 6. No building shall be constructed or erected upon a lot or parcel of land which does not abut upon a public street or have permanent easement for access to a public street, which easement shall have a minimum width of twenty-five feet (25'), unless an easement of lesser width was of record prior to the effective date of these regulations.
 7. An earth-sheltered or subterranean structure shall meet all requirements of the district in which it is located.
 8. Railroad cars, truck cargo containers, truck trailers, or shipping containers shall not be used for storage, habitation, accessory structures, or any other purpose, except for the following:
 - a. Temporary storage for tools and materials as part of a city-permitted construction activity. The temporary structure shall be removed upon completion or occupancy of the permitted structure, whichever comes first.
 - b. Temporary storage while moving in or out of a structure. The container shall be removed within fourteen (14) days of placement.
 9. The square footage of a detached, primary residential living unit shall not be less than six hundred (600) square feet.

10. Structures may be constructed across boundaries of legal, contiguous parcels/lots of record, provided the lot or parcel is under the same ownership. Such parcels shall be considered one for the purpose of determining zoning standards.
 11. Accessory residential structures, such as garages, tool sheds, or other such structures that are incidental and necessary to the residential use, shall be constructed simultaneously or subsequent to the construction of a residence. Exceptions to allow for one tool or storage shed of two hundred (200) square feet of floor area or smaller is permitted.
- B. Fences.
1. No wall, fence, or shrubbery shall obstruct or interfere with traffic visibility. Nothing shall be erected, placed, or planted that would impede the vision between the height of three feet (3') and ten feet (10') above the centerline grades of intersecting streets within the vision triangle of vehicle operators. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of the two (2) adjacent streets forty feet (40') along each street and connecting the two (2) points with a straight line.
 2. Fences shall not exceed a height of seven feet (7') Fence height shall be considered the vertical distance from the natural grade of the property at the base of the fence to the highest point on the fence or fence structure, including all finials, fence caps, posts, lights, planters, latticework, screening, landscaping berms, rockery, bases, or other similar fence features.
- C. Zoning upon annexation. Any area annexed to the city shall, upon such annexation, be automatically zoned R-1, until otherwise zoned.
- D. Recreational vehicles shall not be occupied as dwelling units except in areas that are specifically designed and approved for their use.
- E. Nuisances. Anything that is injurious to health, morals, safety, welfare, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, creates a fire hazard, results in hazards or neighborhood blight, is a nuisance and is subject to action by the city, as authorized by Idaho Code §50-334. Nuisances shall include, but are not limited to, the following:
1. Junk, junkyard, as defined. Junk shall not be kept, accumulated, or stored within the public right-of-way, on public property, or within view of the public in the open on private property. Junkyards are prohibited in all zoning districts.
 2. Wrecked or abandoned vehicles. The accumulation or storage of wrecked or abandoned vehicles, dismantled vehicles, or vehicle parts within the public right-of-way or in the open on private property.
 3. Light glare. Lights shall be shielded to prevent glare upon public rights-of-way or neighboring properties.
 4. Solid and liquid waste. All solid and liquid waste shall be kept within enclosures or containers that are animal and insect-resistant and prevent the dispersal or overflow of any wastes.

SECTION 6-2: STANDARDS FOR ALL ZONING DISTRICTS:

The following minimum standards are established within each zoning district and shall apply uniformly to each class or kind of structure or use. Additional standards or restrictions listed below the table apply as indicated:

ZONING DISTRICT STANDARDS TABLE 6-2

STANDARD BY ZONE	Single-family Residential 1 (R1)	Medium Density Residential (R2)	Single-family Residential 1/3 (R3)	Shoreline Residential (SR)	Shoreline (S)	Neighborhood Commercial (NC)
Minimum lot size	1 acre	32,670 sq. ft.	1/3 acre	10,000 sq. ft.	10,000 sq. ft.	No minimum
Front yard setback	25'	25'	15'	12'	12'	15'
Side yard setback	Combined 25' (1)	Combined 15' (2)	7'	10'	10'	5'
Flanking street setback (3)	15'	15'	15'	15'	15'	15'
Rear yard setback	25'	25'	12'	12'	12'	5'
Corner lot, on both frontages	25'	25'	15'			15'
Triangular (3-sided) lot	(4)	(4)	(4)	(4)	(4)	(4)
Irregular-shaped lot	(5)	(5)	(5)	(5)	(5)	(5)
Waterfront	50'	50'	50'	50'	50'	50'
Maximum lot coverage	33%	33%	33%	33%	33%	60%
Maximum building height (6)	18'	18'	18'	35'	35'	30'

Additional Table 6-2A Standards:

- (1) Combined total of side yard setbacks shall be 25 feet, with neither side less than 10 feet. Lots narrower than 65 feet on the front building line shall have combined side yard total of 15', with neither side less than 7 feet.
- (2) Combined total of side yards shall be 15 feet, with neither side less than 7 feet.
- (3) Flanking street setback shall apply to yards flanked by a street or easement that does not provide access to the lot or parcel.
- (4) Triangular-shaped lots shall be deemed to have one front yard and two side yards. If the side flanks a street, the flanking street setback shall apply.
- (5) For any lot or parcel for which yard definitions do not clearly apply, the planning administrator shall determine the setbacks, based upon orientation of property to streets, access easements, and adjoining property lines.
- (6) Maximum height, or level with the up-slope property line, whichever is the higher elevation. The maximum building height shall be approximately perpendicular to the building line from the building's highest point to the up-slope property line. Municipal fire stations are excepted from this standard.

SECTION 6-3: SPECIFIC STANDARDS BY USE:

- A. Home Occupations. The following standards shall apply to home occupation:
1. No articles shall be sold or offered for sale on the premises;
 2. No retail business of any sort shall be involved;
 3. No stock in trade is kept and no commodities are sold except those made or used on the premises;
 4. Only members of the family residing on the premises shall be employed;
 5. No internal or external alterations, special construction, features shall be involved;
 6. There shall be no advertising of any type either on premises or by published or printed matter and of no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or any accessory building;
 7. No equipment is used that creates offensive noises, vibrations, sound, smoke or dust, odors, heat, glare, x-ray, or electrical disturbance to radio or television;
 8. In particular, a home occupation includes the following and similar uses: artist's studio, and limited professional practice to no more than two (2) clients at one time.
- B. Wireless Communication Facilities.
1. Purpose. The purpose of this section is to establish basic development standards consistent with the goals and policies of the comprehensive plan and to set specific conditions for various uses or areas where problems are frequently encountered within the City. The regulations set forth are adopted to serve, protect and promote the public health, safety and welfare and to preserve and enhance the aesthetics qualities of the city, while allowing for the orderly and efficient development of property in accordance with all state and federal regulations. The primary purpose of this article is to assure that wireless communication networks are completed with the fewest possible facilities, in the least visible fashion, and with the least disruptive impact on the neighborhoods and the communities within the city. The regulations set forth in this article are adopted to serve, protect and promote the public health, safety and welfare, and to preserve and enhance the aesthetic qualities of the city as set forth in the goals and objectives of the city comprehensive plan, while concurrently allowing for the orderly and efficient development of a wireless communication infrastructure in accordance with the federal telecommunications act (TCA) of 1996.
 2. Process. The following standards and procedures shall apply to those specific uses as identified within this chapter. Specific uses may require conditional use approval prior to commencing the use in the city.
 3. Permit Required. Wireless communication facilities (WCF) shall require an application for a conditional use permit, which shall include all applicable items for conditional use permits as set forth in this Title, and any other chapter or ordinance adopted by the City of East Hope. Prior to submitting an application for a wireless communication facility, the applicant is encouraged to schedule a pre-application meeting with the city.
 4. Permit exemptions. The following are not subject to the requirements to obtain a conditional use permit:
 - a. Pre-Existing Towers or Antennas (Non-conforming): Pre-existing or non-conforming towers or antennas, as established prior to the adoption of this ordinance, are not subject to the standards set-forth. Towers or antennas damaged or destroyed may be rebuilt, provided the type, height, intensity and

location of the tower shall be the same or less than as the original tower or antenna.

- b. Radio and Television towers and antenna: The requirements imposed by this chapter shall not apply to antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, multichannel multipoint distribution providers (MMDS), or television broadcast stations (TVBS); provided, that all of the following conditions are met:
 - 1. The antenna measures thirty-nine inches (39") (1 meter) or less in diameter and the antenna, if attached to a building, shall comply with subsection 6-3(B)(6)(a) of this chapter; OR
 - 2. The antenna is attached to a freestanding tower and measures less than twelve feet (12') in height and conforms to existing setback requirements for buildings in the respective zone and does not impose a health or safety concern.
 - c. Hand held mobile phones and devices: Used exclusively for personal use and not for commercial use.
 - d. Low Height Government Antennas: Those transmitting antennas used exclusively for governmental purposes only which do not exceed the 20-foot height requirement.
 - e. Co-location on existing Towers: Communication antennas proposed for co-location on existing towers meeting current standards are permitted out right, provided the additional antenna(s) do not exceed the height of the existing tower.
5. Abandoned towers or antennas. Those towers or antennas, conforming or non-conforming which have been destroyed, damaged and/or unused or occupied for a period of one (1) year shall be deemed to have been abandoned. In order for the use to continue, it shall conform to the standards of this section.
6. Design standards for WCF. The following standards shall apply to all wireless communication facilities, unless otherwise specifically exempt by this code:
- a. Height: Communication towers, where allowed by zoning, shall not exceed twenty feet (20') in height above the existing or natural grade or the maximum permissible height of the given zoning district, with the exception of facade and roof attached antennas as described below:
 - 1. Roof attached antennas shall not exceed five feet (5') above the highest portion of the roof membrane.
 - 2. Facade attached antennas shall not exceed five feet (5') above the facade to which it is attached.
 - b. A WCF shall not occupy more than 10% of the total lot coverage.
 - c. Communication towers and attendant facilities shall be enclosed by a security fence not less than six feet (6') in height.

- d. The base of any tower shall not be closer to any property line than a distance equal to the tower height.
 - e. All towers shall be accessed by either a private ingress/egress easement or a public right-of-way.
 - f. Landscaping: In the event any portion of the facility will be exposed to public view, and if additional plantings would further minimize the visual impact of the facility, the applicant shall provide a landscaping plan, with an emphasis on plants that do not exceed a height of 20-feet at full maturation.
 - g. The WCF shall be contained wholly within the lot or parcel for which it is being sought, including guy-wires and other structural components.
 - h. Towers and/or antennas shall not be artificially lit, unless required by FAA or other regulatory agency. If lighting is required, the chosen design must produce the least disturbance to the surrounding views.
 - i. All towers shall meet all current standards and regulations of the FAA, FCC and any other state or federal regulatory agency. Any changes to regulation shall be brought forward to the existing towers and shall be completed at the expense of the owner. Failure to bring a tower into compliance with state and/or federal regulations shall constitute grounds for removal of the structure(s).
 - j. Towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.
 - k. All accessory structures associated with the WCF shall comply with setbacks and standards for the zone in which it is located.
 - l. All towers shall be designed and stamped by a professional engineer with experience and expertise in such field and is capable of stamping such plan.
 - m. Flammable materials storage shall be in accordance with international fire code standards.
7. Performance and facility standards. In addition to the design standard requirements, the applicant shall also:
- a. Provide a description of the location, type, capacity, and field strength or power density of the antenna or antenna array;
 - b. Provide a description of how the proposed facility fits into, and is a necessary part of the applicant's network;
 - c. Provide a description of why collocation cannot be achieved at another site and justification for why the tower is necessary;

- d. Provide expert documentation to demonstrate that proposed communication facility does not impose harm to the health and safety of the residents of East Hope;
 - e. Provide a description of how the tower/antenna employs a minimal visual impact. All wireless communication facility shall employ all practical means to conceal or minimize the number of facilities and reduce their visual impact;
 - f. Provide a description of how the WCF uses the most diminutive and efficient technology and uses the smallest components necessary to provide services that are in use or proposed for use within in Bonner County;
 - g. Provide a description of how the tower employs stealth design: The wireless communication facility shall be designed to visually and operationally blend into the surrounding area, in a manner compatible with the local community character. To the extent possible, the site shall use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings. The facility shall use the quietest cooling equipment and whisper emergency generating apparatus.
 - h. Demonstrate how the tower will accommodate other future communication services where technically feasible ("colocation").
8. Standards of approval. In addition to those standards found at Section 7-2 of this ordinance, the council shall also find evidence that the following has been adequately demonstrated:
- a. The communication facility is in compliance with all applicable city ordinances and standards.
 - b. The communication facility will not pose a public health and safety concern.
 - c. The communication facility will not be in conflict with the public interest.
9. Procedures for review of a site plan.
- a. After approval, but prior to issuances of the conditional use permit, the city council shall review and approve a site plan for the placement of the WCF. The applicant shall first submit a narrative and final site plan for approval by the city council. The city planning administrator shall first review the request and site plan for compliance with applicable section of this chapter and any other chapter or ordinance adopted by the city before setting the matter before the city council.
 - b. Once staff has reviewed the site plan against all applicable chapters and ordinances and is found to be in compliance with the standards, the city P/Z administrator shall place the item on the agenda for the next available city council meeting. A summary report, prepared by the city P/Z administrator, shall be provided to city council demonstrating how the authorized use is in compliance with the approved standards.
 - c. City Council approval: The city council shall review the site plan and make the following findings for approval:

1. The WCF is in compliance with all applicable city ordinances, standards and conditions of the Conditional Use Permit;
2. The WCF is in substantial compliance with the site plan approved with the Conditional Use Permit.

C. Manufactured Home Standards. The following standards shall apply for the placement of manufactured homes located outside any mobile/manufactured home park:

1. The manufactured home shall be multi-sectional and enclose a space of not less than six hundred (600) square feet;
2. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade, except when placed on a basement foundation;
3. The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width;
4. In addition to the provisions of paragraphs (1) through (3) of this subsection, the manufactured home shall meet the minimum zoning standards of the applicable district, including setbacks, height standards, and lot coverage.

D. Short-term/vacation rentals.

1. Purpose. The purpose of this section is to provide standards and a process for short-term or vacation rentals, as defined. The standards address the health, safety, and welfare of the renters and the general public by ensuring adequacy of public services and parking and to address life/safety concerns.
2. Applicability: This section shall apply to all short-term/vacation rentals, as defined. All requirements and standards imposed by this section are in addition to any other applicable land use regulations of the city.
3. Annual registration. Prior to the operation of any short-term/vacation rental and annually thereafter, the owner of any short-term/vacation rental shall register with the city clerk and pay a fee as set forth by resolution of the city council. Registration shall be on forms provided by the city. Annual renewals shall be filed with the city clerk no later than January 31st of any given year.
4. Standards. Short-term/vacation rentals shall conform to the following standards:
 - a. Occupancy shall not exceed two (2) persons per bedroom. A bedroom is designed for sleeping, and does not include a den, library, office, game room, garage, or other such spaces.
 - b. Short-term/vacation rental is limited to residential dwellings only.
 - c. At the time of registration, the owner shall provide current information confirming presence of smoke detectors, fire extinguishers, carbon monoxide detectors, safe exit plans, and other life/safety standards required by the fire district.
 - d. All trash shall be retained in an approved solid waste container. No trash shall be placed outside the approved container.
 - e. Parking shall be provided off-street for all vehicles associated with the unit.
 - f. Emergency contact information for the owner and at least two (2) additional individuals shall be provided at registration.
 - g. No commercial activities or uses that would otherwise be prohibited by the zoning district or would require conditional use permitting shall be permitted with the operation of the short-term/vacation rental.

- E. RV Occupancy Standards.
1. A Recreational Vehicle (RV) is not a dwelling. A recreational vehicle (RV) shall not be occupied longer than twenty-one (21) days in any consecutive 12 (twelve) -month period, unless it is located within a permitted recreational vehicle park. The number of occupied RVs is limited to one per lot or parcel.
 2. Occupancy shall mean eating, sleeping, living, cooking, or other use of the unit for human habitation.
 3. An RV may be occupied while a residence is under construction on the same lot or parcel, provided a building permit remains active for the residence. Occupancy shall cease when a certificate of occupancy or temporary certificate of occupancy is issued or within one hundred and eighty days (180), whichever comes first.

SECTION 6-4: NONCONFORMING BUILDINGS, USES, AND LAND:

- A. Purpose and Intent. The city recognizes that adopted zoning and subdivision regulations cause certain lots, parcels, structures, or uses to be considered nonconforming to present-day standards because they no longer conform due to size, height, setbacks, permitted uses, or other standards. The policy of the city is to encourage the maintenance and continued vitality of existing, legal, nonconforming land uses and structures and to allow the development of legal, nonconforming land, provided they do not threaten general health, safety, or welfare, and are consistent with the following standards:
- B. Buildings Under Construction. Nothing contained in this ordinance shall be construed to require a change in the plans, construction, or designated use of any building upon which actual construction was lawfully begun, prior to the effective date of adoption or amendment hereof, provided:
1. A valid building permit has been issued;
 2. Work has commenced in reliance upon that permit;
 3. The building is completed in accord with the approved permit.
- C. General Provisions. Except as provided elsewhere in these regulations, a nonconforming use or structure may be continued, but may not be altered or extended to increase its nonconformity.
- D. Legal, Nonconforming Lots or Parcels. A lawfully created lot or parcel that does not meet the minimum requirements for size, design, or other zoning or subdivision standards may be developed in accord with the uses allowed in the zoning district, provided:
1. The structure meets all setback, height, lot coverage, or other bulk requirements or obtains a variance to standards.
 2. The land abuts a public street or has a recorded easement for access to a public street. The easement shall have a minimum width of twenty-five feet (25'), unless an easement of lesser width was recorded prior to the effective date of this requirement.
- E. Legal, Nonconforming Uses of Land. Nonconforming uses of land shall not be enlarged, extended to occupy greater area, or moved to any other portion of the lot or parcel, except as specifically provided by these regulations.
- F. Non-conforming Uses of Structures and Land in Combination. The following standards shall apply to lawfully established, nonconforming uses of structures, or of structures and land in combination:
1. The use may be continued so long as it remains otherwise lawful;

2. Any nonconforming structure or structure and land combination use shall not be changed to another nonconforming use, except as provided herein. But the nonconforming use may be changed to a use permitted in the zoning district in which it is located;
 3. With the approval of a conditional use permit, a nonconforming use of a structure or structure and land in combination may be changed to another nonconforming use, provided the city council finds the new use:
 - a. Is similar in industrial classification to the original use;
 - b. The new use is of equal or less intensity than the original use;
 - c. There are no structural changes that would enlarge or increase the nonconformity;
 - d. Appropriate conditions have been imposed to ensure the use remains in accord with this subsection.
- G. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone, and the nonconforming use shall not thereafter be resumed.
- H. Discontinued Use. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one year, the city may require the landowner declare in writing the intentions for continued use or nonuse of the property, pursuant to Idaho Code section §67-6538, as it now reads or may be amended or retitled. If the landowner responds in accord with written notice, the city shall administer the abandoned use in accord with section §67-6538. If the landowner fails to respond in accord with the provisions of said state law, the structure shall not thereafter be used except in conformity with the requirements of the zoning district in which it is located. The one-year period shall be deemed to have commenced on the first day that the nonconforming use is discontinued, vacated, or abandoned, and such period shall be measured by one consecutive and uninterrupted calendar year of discontinuance, vacancy, and/or abandonment.
- I. Where nonconforming use status applies to a structure and land in combination, voluntary removal of the structure shall eliminate the nonconforming status of the land and the land shall not thereafter be used except in conformity with the requirements of the zoning district in which it is located.
- J. Legal, Nonconforming Buildings or Structures. Any legal, nonconforming structure may continue to be used, maintained, and repaired as otherwise allowed by city zoning standards. A nonconforming structure shall not be enlarged or altered in any way that would increase its nonconformity.
- K. Repairs, Maintenance, Restoration.
1. On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing; provided that the nonconformity shall not be increased. Nothing in this section shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any order of an official charged with protecting the public safety.
 2. A nonconforming structure that is removed or destroyed by any means may be reconstructed or replaced, provided:

- a. A building permit is obtained.
 - b. Reconstruction or replacement is completed within one year of the removal or destruction of the building.
 - c. There shall be no increase in the intensity or nonconformity of the structure.
 - d. The replacement structure shall not encroach into public rights-of-way, public property, or adjoining properties.
 - e. The reconstruction or replacement shall meet all floodplain standards.
 - f. Services to the structure shall be in accord with all city utility standards and requirements.
- L. Uses Under Conditional Use Provisions: Any use which is permitted as a conditional use in a zoning district under the terms of this title shall not be a nonconforming use in such district during compliance with the terms of the conditional use permit.

ARTICLE 7 APPLICATIONS AND STANDARDS OF REVIEW

SECTION 7-1: ANNEXATION REQUESTS:

Requests for annexation and required fees shall be submitted to the city clerk on application forms provided by the city. The application shall be accompanied by a notarized statement confirming that the applicant is voluntarily seeking annexation. The process for consideration shall be in accord with annexation procedures of Idaho Code §50-222 and the noticing and procedures of the Idaho Local Land Use Planning, Title 67, Chapter 65, for establishment of comprehensive plan policies and map designation and zoning classification of lands to be annexed.

SECTION 7-2: CONDITIONAL USE PERMITS

- A. Purpose, General Provisions. The purpose of this section is to establish standards and a framework for the consideration of conditional use permits. A conditional use is not transferrable from one parcel of land to another, nor shall it be considered a binding precedent to grant other conditional use permits in similar locations or circumstances. A conditional use permit may be issued subject to the specific standards of approval and conditions as authorized by this section.
- B. Application. An application for a conditional use permit and required fees shall be filed with the city clerk. The application shall be signed by at least one owner of the property for which the conditional use permit is proposed. Applications shall be completed on forms supplied by the city and shall include:
 - 1. A site plan, drawn to a readable scale, and including location of all structures, utilities, parking, loading areas, access and circulation, landscaping, refuse disposal area, proposed signs, lighting, required setbacks and any other information the city determines necessary to show compliance with zoning standards.
 - 2. A vicinity map showing the subject parcel and all parcels and uses within a minimum of three hundred feet (300') of the site.
 - 3. A current deed for the subject property.
 - 4. Floor plans and building elevations of any proposed structures.
 - 5. A stormwater management plan, where applicable.
 - 6. Any additional information the city deems necessary for a complete evaluation of the proposal.
 - 7. A narrative statement addressing:
 - a. The effects of the use on adjoining properties.
 - b. Any noise, glare, odor, fumes, vibrations, or other effects that the proposed use could produce and the proposed mitigation of these effects.
 - c. Traffic impacts of the use.

- d. The effect of the use on public services.
- e. How the proposed use is in compliance with the adopted comprehensive plan.
- f. How the proposed use can meet the conditional use permit standards of this section.

C. Standards for Review. The conditional use permit shall be processed, pursuant to the procedures of Article 4 of this ordinance. Following the public hearing, the city council shall review the particular facts and circumstances of the application and may grant approval upon a determination that there is adequate evidence showing the use:

- 1. The conditional use is permitted by this ordinance.
- 2. The political subdivisions affected by this use can adequately provide essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools or that essential services will be provided by the applicant.
- 3. Will not create a hazard or be dangerous to the adjoining properties or the general public.
- 4. Will be designed and operated in harmony with the surrounding neighborhood.
- 5. Will not create excessive additional requirements at public cost for public services and utilities and will not be detrimental to the economic welfare of the community.
- 6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.
- 7. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public roads.
- 8. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

D. Conditions of Approval. In granting a conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this section. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of these regulations. Upon granting a conditional use permit, conditions may be attached to the permit, including, but not limited to those:

- 1. Minimizing adverse impact on other development;
- 2. Controlling the sequence and timing of development;
- 3. Controlling the duration of development;
- 4. Assuring that development is maintained properly;
- 5. Designating the exact location and nature of development;

6. Requiring the provision for on-site or off-site public facilities or services;
 7. Requiring more restrictive standards than those generally required in an ordinance;
 8. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
- E. Commencement of Work, Expiration. The conditional use permit shall not be valid until conditions and terms of approval are completed and the permit is issued by the city. The proposed use shall commence within one year following the city council's written approval of the conditional use permit. The permit shall expire if the use has not commenced within one year of the date of written approval, unless an extension, not to exceed two (2) years, is granted by the city council prior to the expiration date. The written request for an extension shall be filed with the city clerk prior to the expiration date.
- F. Performance and Revocation. Failure to operate the use in accord with the issued permit shall constitute a violation of this ordinance. The city council may revoke the conditional use permit upon a finding of substantial evidence that the use is not in compliance with the terms and conditions of permit approval. Prior to revoking the permit, the city shall provide notice of the violation to the landowner, allow opportunity for correction by a specified time, and conduct a public hearing to establish evidence of non-compliance. The city council may also impose investigative fees or additional conditions or restrictions to bring the permit into compliance.

SECTION 7-3: VARIANCES:

- A. Purpose. General Provisions. A variance, as defined, shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.
- B. Application. The applicant bears the responsibility for demonstrating an undue hardship exists and that the granting of a variance is not in conflict with the public interest. The application and required fees shall be filed with the city clerk and contain:
1. The items listed at Section 7-2, subsections B1-B6 of this ordinance.
 2. A narrative explaining the reason for the request, the characteristics that create the hardship, the effect of the request on the public interest, and any supporting documentation and photographs.
 3. Specific site details to support the requested variance and demonstrate hardship, such as topographic, hydrographic, or other details.
- C. Standards for review. The variance shall be processed, pursuant to the procedures of Article 4 of this ordinance. Under no circumstances shall the city council grant a variance to allow a use not permitted by this ordinance in the district involved, or any use expressly or by implication prohibited by these codes in the given district. Following the public hearing, the city council shall review the particular facts and circumstances of the application and may grant approval upon a determination that there is adequate evidence showing:
1. An undue hardship does exist because of the special characteristics of the site;
 2. The variance is not in conflict with the public interest.

3. Granting the variance does not confer upon the applicant a use that is prohibited by the zoning district involved.
- D. Conditions of Approval. In granting the variance, the city council may prescribe appropriate conditions, bonds and safeguards to ensure the standards of this section are met.
- E. Expiration. The proposed work authorized by the variance shall commence within one year of the city council's written approval. The variance shall expire if the work has not commenced within one year of written approval, unless an extension, not to exceed two (2) years, is granted by the city council prior to the expiration date. The written request for an extension shall be filed with the city clerk prior to the expiration date.

SECTION 7-4: ZONING AND COMPREHENSIVE PLAN AMENDMENTS:

- A. Purpose. General Provisions. The city council may amend, supplement, or repeal its zoning codes, official zoning map, comprehensive plan, or future land use map, pursuant to the procedures of Article 4 of this ordinance and the Idaho Local Land Use Planning Act. Any citizen, landowner, or taxpayer may file an application with the city clerk to amend the zoning codes, map, or comprehensive plan text or map.
- B. Applications. Applications for map or text amendments shall be filed with the city clerk, along with the required fees. The application shall contain the following:
 1. A narrative addressing:
 - a. The reasons for the requested amendment;
 - b. How the proposed amendment is in accord with the adopted city comprehensive plan;
 - c. The effect of the amendment on the ability of political subdivisions to deliver public services
 2. A legal description, stamped by an Idaho-licensed surveyor, describing the subject area for consideration for any map amendments;
 3. A site plan for all proposed map amendments, drawn to scale, showing the subject property, current and proposed zoning, and all structures, street patterns, property lines, and adjoining properties within three hundred feet (300') of the subject property.
 4. Any additional information deemed by the planning administrator as essential for a complete evaluation of the request.
- C. Standards for review. Following the completion of the public hearing and evaluation of all facts and circumstances of the request, the city council may grant approval of the request, upon a determination that the amendment is in accord with the policies of the adopted comprehensive plan.

SECTION 7-5: VACATIONS:

Consideration of plat and public right-of-way vacations shall proceed under the provisions of Idaho Code. Public hearing procedures of Idaho Code §50-1306A shall be used where specific procedures are not listed.

SECTION 7-6: ZONING PERMIT REVIEW

- A. Purpose. General Provisions. The zoning permit review assures that land development and building activity is in compliance with the adopted zoning and subdivision codes of the city. The planning administrator shall have the authority to conduct reviews and issue zoning approvals for building permits, stormwater plans, and other administrative permits authorized by this ordinance, subject to the procedures of Section 4-6 of this code.
- B. Prior to the construction, placement, modification, or reconstruction of any structure subject to the adopted building codes of the city, the property owner shall file a completed building permit application, site plan, fees, and supporting materials with the city clerk.
- C. The planning administrator shall determine whether the proposed building or use is in compliance with this ordinance and either approve or deny the application.

SECTION 7-7: PLANNED UNIT DEVELOPMENTS:

- A. Purpose. General Provisions. Planned Unit Developments (PUDs) are authorized by the Idaho Local Land Use Planning Act through the conditional use (special use) permit process. The purpose of a PUD is to allow design flexibility and innovation, encourage open space, protect environmentally sensitive areas, and permit variations to standard zoning requirements to achieve unique designs. PUDs are also known as cluster developments. Through the conditional use permit process, conditions can be set and agreements established to ensure the development is carried out in accord with the approved conceptual design.
- B. Pre-application Meeting. Prior to submitting an application to the city, the applicant or representative shall meet with the planning administrator to review the proposal, the application process, and any requested variations to standards.
- C. Application. The application for a PUD shall contain;
 - 1. The same application contents as conditional use permits, provided at Section 7-2 of this ordinance;
 - 2. A conceptual plan, showing housing types, proposed lots (where applicable), transportation system, open space, pathways, and proposed densities;
 - 3. Any phasing plans;
 - 4. All requested variations from zoning standards and the reasons for the requests.
- D. Uses. The permitted uses within a PUD shall be the same as those allowed in the base zoning district.
- E. Density. The overall dwelling unit density of the PUD shall not exceed the underlying density of the zoning district in which the proposed development is located. Lots may be smaller than the minimum lot size of the district as long as the total number of dwelling units in the PUD does not exceed the units allowed within the zone for the entire subject parcel.
- F. Open Space. A minimum of 10 percent (10%) of the gross land area of the development shall be dedicated to the lot owners as common open space or to the public for general use, with approval from the city. Roads, utility areas, parking, or other service-related areas shall not count toward the required open space. The required open space shall consist of one or more of the following:

1. Recreational areas;
 2. Conservation areas;
 3. Wildlife habitat protection areas;
 4. Scenic viewpoints;
 5. Trails and pathways;
 6. Wetlands;
 7. Waterways.
- G. Lot Owners' Association. A lot owners' association shall be formed for the long-term care of the common area, roads, and other common facilities.
- H. Variations to Standards. The zoning district standards may be increased or decreased to achieve PUD design objectives and to promote open space. Requests for variations and the reasons for the requests shall be included in the application. Variations shall not be granted unless the applicant demonstrates they will not be detrimental to the public health, safety, or welfare, and is not detrimental or injurious to other properties.
- I. Land Divisions. Any sale, lease, or transfer of lots within a PUD is subject to the subdivision standards of Article 11 of this ordinance. When a PUD includes a subdivision, the PUD and preliminary plat shall be considered concurrently.
- J. Standards for Review. The PUD shall be processed the same as conditional use permits and pursuant to the procedures of Article 4 of this ordinance. Following the public hearing, the city council shall review the particular facts and circumstances of the application and may grant approval upon a determination that there is adequate evidence showing the PUD meets the standards of Section 7-2(C) of this ordinance, with the addition of the following standards:
1. Each development phase can independently meet the minimum zoning standards, density requirements, and service provisions;
 2. The requested variations to standards will not be detrimental to the public health, safety, or welfare and will not be detrimental or injurious to other properties.
- K. Conditions of Approval. The city council may impose conditions of approval as provided at Section 7-2(D) of this ordinance. In addition, the council may require the execution and recording of a development agreement to ensure the development is carried out in accord with the approved plan.
- L. Expiration. The PUD conditional use permit shall be valid for two (2) years from the date of the written decision of the city council. An extension, not to exceed two (2) years, may be granted by the city council if a written request for such extension is filed with the city clerk prior to the expiration date.

ARTICLE 8 PARKING

SECTION 8-1: GENERAL PROVISIONS:

- A. No building or structure shall be erected, substantially altered (requiring a building permit), or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.
- B. Whenever a building or structure existing prior to the effective date of this ordinance changes use or is enlarged up to fifty percent (50%) in floor area, number of employees, seating capacity, number of dwelling units, or otherwise, to create a need for an increase in the number of existing parking and loading spaces, additional parking spaces shall be provided on the basis of the enlargement or change.
- C. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area, number of employees, seating capacity, number of dwelling units or otherwise, to create a need for an increase in the number of existing parking and loading spaces, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
- D. Whenever a building or structure constructed after the effective date of this ordinance changes use or is enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking and loading spaces, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
- E. If for any reason the parking and loading space requirements of this ordinance can be shown to be unusually high, then the parking and loading space provisions cited herein may be reduced proportionally by the city council.

SECTION 8-2: LOCATION OF PARKING SPACES:

The following regulations shall govern the location of off-street parking spaces and areas:

- A. Parking spaces for all residential dwelling units be located on the same site as the use which they are intended to serve.
- B. Parking spaces for apartments, dormitories, or similar residential uses located not more than three hundred feet (300') from the principal use.
- C. Parking spaces for commercial, industrial or institutional uses shall be located not more than two hundred fifty feet (250') from the principal use.

SECTION 8-3: JOINT USE:

Two (2) or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap; provided, that a written agreement approved by the city council shall be filed with the application for a building permit.

SECTION 8-4: ACCESS AND MANEUVERING AREA:

- A. Any parking area shall be designed in such a manner that any vehicle entering or leaving the parking area from or onto a public or private street shall be traveling in a forward motion. Residential uses are exempt from this requirement.
- B. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.
- C. All maneuvering areas, ramps, access drives, etc., shall be provided on the property on which the parking facility is located. However, if such facility adjoins an alley, such alley may be used as a maneuvering area. Residential uses are exempt from this ordinance.

SECTION 8-5: WIDTH OF DRIVEWAYS:

Driveways or aisles serving individual parking spaces shall not be less than twenty-five feet (25') wide for ninety-degree (90°) parking, twenty feet (20') wide for sixty-degree (60°) parking, fifteen feet (15') wide for forty-five-degree (45°) parking, and twelve feet (12') wide for parallel parking.

SECTION 8-6: MINIMUM DISTANCE AND SETBACKS:

- A. No part of any parking area for more than ten (10) vehicles shall be closer than twenty feet (20') to any dwelling unit, school, hospital, church or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen approved by the administrator of planning services.
- B. No portion of any parking facility, except driveways and approaches, shall be located within five feet (5') of the front or side property lines. Commercial uses are exempt from this requirement.
- C. No portion of any parking facility shall obstruct the visibility, for a reasonable distance, of motorists using any public or private street.

SECTION 8-7: SURFACING:

- A. Hard surfacing of all parking facilities shall be required. Single-family dwellings, duplexes and churches, shall be exempt from this requirement; provided, parking facilities for single-family dwellings, duplexes and churches shall be maintained in a dust free manner.
- B. An improved street shall be paved.

SECTION 8-8: DRAINAGE:

- A. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties.
- B. Provisions shall be made in the construction and maintenance of the drainage facilities to protect the quality of stormwater from oils, silt and other contaminants.
- C. In areas where a proper storm drainage system is not available at the time of parking facility construction, the on-site drainage system shall be located and constructed such that it can be connected to a new storm drainage system with a minimum of disruption and expense.

SECTION 8-9: MAINTENANCE:

- A. The owner of property used for parking and/or loading shall maintain the facility in accordance with good practice without holes and free of all snow, dust, trash and other debris.
- B. Failure to keep the parking lot surfaces reasonably clean of snow and debris, failure to keep storm catch basins properly clean and functioning, and failure to remove and replace dead plant material or to remove noxious weeds shall be specifically included in the term "failure to maintain the facility in accordance with good practice" and shall be deemed a violation of ordinance and therefore subject to the penalties as established.

SECTION 8-10: LIGHTING:

- A. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Residential uses are exempt from this requirement.
- B. Any lights used to illuminate a parking lot shall be so arranged as to deflect the light away from the adjoining property.

SECTION 8-11: WHEEL BLOCKS:

- A. Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.
- B. Wheel blocks shall be required within any parking facility where the administrator of planning services determines it is necessary to maintain an orderly parking pattern.

SECTION 8-12: SIGNS:

- A. The entrances and exits to the parking area shall be clearly marked.
- B. Parking areas having more than one aisle or driveway shall have directional signs or markings in each driveway or aisle.
- C. Parking area directional signs shall have a maximum size of four (4) square feet.

SECTION 8-13: STRIPING:

All hard surface parking areas with a capacity over ten (10) vehicles shall be striped to facilitate the movement into and out of the parking stalls.

SECTION 8-14: SCREENING AND LANDSCAPING:

- A. Slopes and other areas between the parking area and street rights-of-way or property lines shall be landscaped with grass, hardy shrubs, trees or evergreen ground cover and shall be maintained in good condition.
- B. Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence or planting screen. Such fence, wall or planting screen shall not be less than four feet (4') no more than six feet (6') in height and maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.
- C. In the event that terrain or other natural features are such that the erection of such fence, walls or planting screen will not serve the intended purpose, the city council may waive specifically this requirement.
- D. All parking facilities of twenty (20) or more parking spaces which abut a street right-of-way shall provide, on-site, one tree for every twenty (20) parking spaces or fraction thereof.
- E. Parking facilities which abut a street right-of-way shall provide one street tree for every twenty-five feet (25') of property abutting such right-of-way. Should the planting of such a street tree be physically unfeasible, the city council may require suitable landscaping abutting the street right-of-way.

SECTION 8-15: JUNK, JUNK YARD, JUNKED VEHICLES:

The parking of a partially dismantled, inoperable, unlicensed, wrecked or junked vehicle or an abandoned vehicle as defined by Idaho Code §49-102 on a city right-of-way or public shall be prohibited.

SECTION 8-16: DESIGN STANDARDS:

- A. All parking facilities shall be designed to city standards and approved by the administrator of planning services. Plans for parking facilities are required prior to construction and shall indicate ingress, egress, grade, drainage facilities, location of all plantings, base and surface materials.
- B. All nonresident parking facilities with more than twenty (20) parking spaces shall provide the equivalent of one such parking space for every twenty (20) parking spaces included in the facility, for the temporary storage of bicycles. Said space for bicycle storage shall provide a convenient and sturdy rack or bar to which bicycles can be attached to prevent theft. This

requirement may be waived by the city council if it can be demonstrated that due to location or predominant use of the parking facility, such bicycle space would not be reasonably utilized.

- C. All nonresident parking facilities with more than twenty (20) parking spaces shall provide and reserve one such parking space for every twenty (20) parking spaces included in the facility for the handicapped in accordance with Federal Standard Specifications for facilities of the handicapped.

SECTION 8-17: PARKING SPACE REQUIREMENTS:

For the purpose of this article, the following minimum off-street parking space requirements shall apply:

MINIMUM OFF-STREET PARKING REQUIREMENTS TABLE

Use	Minimum Requirement
Residential Uses:	
Single family, two-family, multi-family	3 for each unit dwelling
Boarding houses, rooming houses, dormitories and fraternity houses that have sleeping rooms	2 for each sleeping room or 2 for each permanent occupant
Bed and breakfast	2 for the owner living on the premises, plus 1 per room rented
Commercial Uses:	
Service stations providing repair, public garages	1 for each 2 gasoline pumps and 2 for each service bay
Hotels, motels	1 for each sleeping room plus 1 for each 2 employees
Dining rooms, restaurants, taverns, nightclubs, lodges, dance floors, skating rinks	1 for each 3 patrons based on maximum legal occupancy
Retail stores, offices, public or professional administration and services, other commercial uses	1 for each 250 square feet of floor area
Marina	1 for every 2 boat slips
Medical or dental clinics	5 for each physician, surgeon or dentist
Libraries, museums, art galleries	1 for each 400 square feet of floor area

Use	Minimum Requirement
Entertainment Uses:	
Swimming pools, public or community clubs, auditoriums, theaters, or similar uses	1 for each 5 persons' capacity plus 1 for each 4 seats or 1 for each 30 square feet of floor area used for seating purposes, whichever is greater
Institutional Uses:	
Churches and other places of religious assembly	1 for each 5 seats; 20 inches of bench shall be considered 1 seat
Short- and long-term care facilities. (Hospitals, nursing homes, etc.)	1 for each 2 beds
Elementary, high schools, technical, professional schools	1 for every teacher and employee, 1 for every 4 students normally enrolled who are over the legal driving age, and 1 for every 4 seats in auditoriums, gymnasiums or stadiums. Parking spaces provided for the school may be considered as parking for the public assembly areas.
Kindergartens, child care centers, nursery schools, and similar uses	2 for each classroom but not less than 4 for the building
Industrial Uses:	
All types of manufacturing, storage, and wholesale uses permitted in any industrial district	1 for every 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business

When mixed uses exist, the parking facilities shall be the sum of the requirements for the various uses computed separately. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the administrator of planning services, based upon similarly classified uses.

SECTION 8-18: QUANTITY AND TYPE:

A. GROSS FLOOR AREA (sq.ft.)	QUANTITY AND SIZE (as described in subparagraph B below)
14,000 - 36,000	one Type A
36,001 - 60,000	two Type A
60,001 - 100,000	two Type A and one Type B
For each additional 75,000 sq.ft. or fraction thereof	one Type B

B. **SIZE:** The size of off-street loading spaces shall not be less than the following exclusive of access platform and loading area:

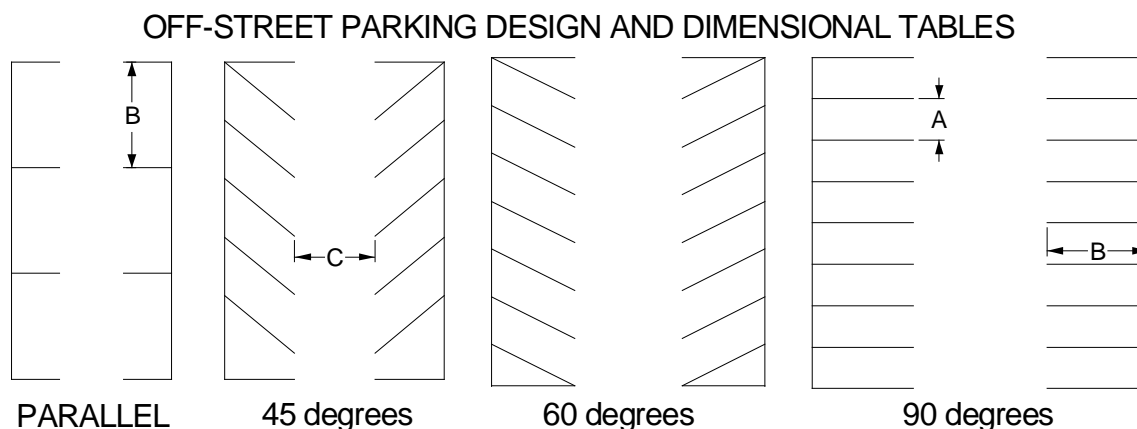
- | | | | |
|----|----------------|------------------|---------|
| 1. | Type A Spaces: | Length | 35 feet |
| | | Width | 12 feet |
| | | Height Clearance | 15 feet |
| 2. | Type B Spaces: | Length | 65 feet |
| | | Width | 12 feet |
| | | Height Clearance | 15 feet |

C. **ACCESS:** Convenient access to loading spaces shall be provided and shall not be less than twelve feet (12') in width.

LOADING SPACES: Loading spaces may be located in required yards, providing such space is not covered. Loading spaces shall be located entirely on the property they are intended to serve.

SECTION 8-19: PARKING SPACE DESIGN AND DIMENSIONS:

Off-street parking spaces shall be provided in accordance with the following diagram:



		45	60	90	Parallel
A.	Width of Parking Space	9'	9'	9'	9'
B.	Length of Parking Space	18'	18'	19'	23'
C.	Width of Driveway Aisle	15'	20'	25'	12'

SECTION 8-20: COMPACT CAR STANDARDS:

A. If the total number of required parking spaces is less than ten (10), no compact car spaces shall be provided.

- B. If the total number of required parking spaces equals ten(10), then one parking space may be for compact cars. For each four (4) spaces in excess of ten (10), one space for compact cars may be provided.
- C. Each compact car parking space shall be marked for such use.
- D. Those spaces designed and signed for compact cars shall have a minimum size of seven and one-half feet (7 1/2') in width and fifteen feet (15') in length.

ARTICLE 9 SIGNS

SECTION 9-1: PURPOSE AND AUTHORITY:

The purpose of this article is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the city. These standards are desired to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public and adopted in accordance with that authority granted in Idaho Code 67-6518 and the general police powers of the city.

SECTION 9-2: SHORT TITLE; CITATION:

This article shall be known as the "Sign Code" of the City of East Hope and may be so cited and shall be referred to herein as the sign code.

SECTION 9-3. PERMIT REQUIRED; APPEAL:

It is unlawful to erect, construct, reconstruct, alter, paint, or repair or change the use of any sign as defined in this sign code without first obtaining a sign permit from the administrator of planning services. All applications for sign permits shall be accompanied by plans, designs, specifications or drawings stating specifically all dimensions, animations if any, lighting, colors and plan of installation stating clearances and setbacks. The administrator of planning services or building official shall have the authority to refuse a sign permit for any sign which does not comply with the requirements of the sign code. Appeal from the provisions of enforcement of this Article shall be made as provided in Article 4 of the East Hope City Code.

SECTION 9-4: DEFINITIONS:

ABANDONED SIGN, ON PREMISE: A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

ARCHITECTURAL BLADE: A roof sign or projecting sign with no visible legs or braces designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

ARCHITECTURAL PROJECTION: Any projection not intended for occupancy which extends beyond the property line, not including signs, canopies, or marquees.

AREA OF SIGN: The area of all faces of the sign within a perimeter which forms the outside shape including any frame, forms and integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Where poster panels or bulletins are installed back to back, both faces are considered as area.

BACKGROUND AREA: The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy in fact posted or painted.

BANNER: A long, narrow flag hung over a street or entrance.

BANNER SIGN: A temporary sign composed of lightweight material secured or mounted so as to allow movement caused by wind.

BUILDING COMPLEX: A building or group of buildings within a single architectural plan and/or parcel of property housing two (2) or more commercial units of operation and providing common facilities or utilities, such as shopping centers, professional office buildings, etc.

BUILDING FACE OR WALL: All window and wall area of a building in one plane or elevation.

BUILDING FRONTAGE: The linear width of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

CANOPY (OR MARQUEE): A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable materials such as wood, metal, glass or plastic.

CANOPY OR MARQUEE SIGN: Any such sign attached to or constructed in or on a canopy or marquee.

CHANGEABLE COPY SIGN (MANUAL): A sign on which copy or sign panels may be changed manually in the field, such as boards with changeable (manual) letters or changeable pictorial panels.

CHANGING SIGNS: An electronically or electrically controlled time, temperature and date sign, message center or reader-(automatic) board, where different copy changes are shown on the same location.

CONSTRUCTION SIGN: A temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors and suppliers involved.

COPY: The wording on a sign surface.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

FREE-STANDING SIGN: A sign erected on a free-standing frame, mast or pole and not attached to any building.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street grade or upper surface of the street curb to the highest point of said sign. Elevated roadways shall not be used to measure height.

INTERNALLY LIGHTED SIGN: A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

NEON SIGN: Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

NONCONFORMING SIGN: Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this ordinance, and any amendments thereto and which fails to conform to all applicable regulations and restrictions of this ordinance.

OFF-PREMISE SIGN OR OFF-SITE SIGN: Any sign that relates to or advertises products, services, or uses at, or directs persons to, a different premises from where the sign is installed.

ON-PREMISE SIGN: A sign calling attention to any business, product, or activity conducted or produced on the property where such sign is located, or identifying the premises upon which such sign is located.

PENNANT: A piece of cloth, plastic, paper or other such material varying in size, shape or design erected as an advertising device to draw attention to the site upon which such sign is located.

PERMANENT SIGN: Any sign other than a temporary sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or building.

PREMISE: An area of land with its appurtenances and building which, because of its unity of use, is one unit of real estate.

PROJECTING SIGN: A sign, other than a wall sign, which is attached to and projects from a structure or building face.

ROOF SIGN: Any sign erected upon, against, or directly above a roof, or on top of or above the parapet of a building.

SIGN: Any identification, description, illustration, symbol, statute or device, illuminated or non-illuminated, which is visible from any public place designed to advertise, identify or convey information, including any landscape where letters or numbers are used for the purpose of directing the public's attention to a product or location with exception to window displays and flags of any state or nation. For the purpose of removal, sign shall also include all sign structures.

TEMPORARY SIGN: A sign which is not permanently affixed. All devices such as banners, pennants, flags, (not intended to include flags of a nation), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

WALL SIGN: A sign painted on, attached to or erected against a wall of a building with the face parallel to the building wall and extending not more than one foot (1') therefrom.

SECTION 9-5: IMPAIRMENT OF TRAFFIC AND RIGHTS-OF-WAY:

In addition to other requirements of this ordinance, and specifically the sign code, all signs, including signs inside windows, shall comply with the following conditions:

- A. No sign shall be erected at the intersection of any street(s) in such a manner as to obstruct the free and clear vision of pedestrians and vehicular traffic or at any location where, by

reason of the position, shape, color, words, phrases or symbols, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

- B. No sign shall be erected or maintained which, by use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist, pedestrian or the general public.

SECTION 9-6: MATERIALS:

- A. Signs may be constructed or painted, stained or carved wood; brick or stone; glass or metal, provided metal signs shall not be pointed on their edges creating a safety hazard and shall be treated to prevent reflective glare; plastics or polymers, provided that any yellow or white plastic or polymers or paints may be used only for letters and may not be used for the background or non-copy portions of any sign. Painted wood signs shall be exempt from the color provisions of this section.
- B. Exposed metal support structures for signs, including, but not limited to, posts, poles and sign sides or edges, must be faced or covered with wood, brick or stone, or painted.

SECTION 9-7: CONSTRUCTION:

- A. All signs shall be Underwriter Laboratory (UL) approved except for signs typically not requiring Underwriter Laboratory approval, such as wood signs that are indirectly lighted. All other signs shall comply with the most current printing of the National Electric Code/Uniform Building Code. Drawings of all signs showing size, location, color other information as deemed necessary by the building inspector or administrator of planning services must be submitted prior to receiving a sign permit. All plans for free-standing signs including roof mounted signs, shall be submitted with the signature and stamp of a licensed engineer. The engineer's review of a sign structure shall include, but not be limited to, the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, the stresses of wire, rope and their fastenings.
- B. The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this ordinance.

SECTION 9-8: SIGN SIZES:

All signs shall be proportioned in size to the building on which they are to be mounted or which contains the business they are advertising, and the total square footage for all signs shall be limited to two (2) square feet of sign area for each lineal foot of building frontage up to a maximum of one hundred twenty-five (125) square feet of total sign area including free standing signs (referred to in Section 9-9 as the "total square footage allowable), unless adjusted as hereinafter provided.

SECTION 9-9: ADJUSTMENTS TO SIGN AREA PERMITTED:

The maximum square footage of allowable sign area shall be adjusted as follows:

- A. A square footage bonus shall be added to the total square footage allowable and shall be granted for each approved wall sign equal to ten percent (10%) for each approved wall sign

exceeding twenty-five (25) square feet, up to a maximum increase of twenty percent (20%). An additional square footage bonus of ten percent (10%) of the total square footage allowed shall be granted for signs constructed of wooden materials that are indirectly lighted.

- B. A square footage penalty shall be imposed and deducted from the total square footage allowable, the penalty to be ten percent (10%) for each projecting or free-standing sign, up to a maximum reduction penalty of thirty percent (30%) of the total square footage allowable.
- C. For buildings containing three (3) or more tenants or businesses, or where owners of two (2) or more separate buildings being in close proximity to each other choose to create a mall atmosphere, in addition to the adjustment set forth in paragraph A and B above, the maximum square footage of allowable sign area for a common free-standing sign may be increased by twenty-five percent (25%), provided that not more than one free-standing sign shall be allowed per building or group of buildings. For separate buildings in close proximity creating a mall atmosphere, this provision allows one free-standing sign for that group of buildings. However, a master sign plan showing the relationship and conformance of all signs must have been previously presented and approved by the administrator of planning services.

SECTION 9-10: NUMBER OF SIGNS:

The maximum number of signs for each business shall be two (2) for each street frontage, including free-standing signs.

SECTION 9-11: PROHIBITED SIGNS AND EXCEPTIONS:

The following shall be prohibited in all zones:

- A. Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.
- B. Any sign located so as to conflict with the clear and obvious appearance of public devices controlling public traffic.
- C. Rotating beacon lights used above or attached to any sign structure, sign or building.
- D. Animated, rotating, flashing signs or signs which have moving parts, provided, however, that the provisions of this subsection shall not apply to signs denoting the correct time and temperature for the convenience of the public, so long as the only changing, rotating, or moving parts of such a public service sign are those necessary for the display of the correct time and/or temperature. The sign display itself shall not move or rotate, and the only advertising message displayed thereon is the name of the business or individual maintaining the sign.
- E. Off-premise signs, defined as signs for advertising or identification of a business which is not located on the same premises as the business, excepting directional and informational signs placed by governmental agencies.

- F. Neon signs or valances, unless inside a building, excepting not more than two (2) vacancy/no vacancy signs for each motel or hotel, not to exceed ten (10) square feet and which shall be included in the total sign area.
- G. Reader board or changeable copy signs, provided that one such sign shall be allowed for bars with changing entertainment, movie theaters and businesses with convention facilities that qualify for liquor licenses under the statutes of the State, schools, theaters, and provided that not more than two (2) such signs shall be allowed for gasoline service stations, provided that the only changeable copy shall be fuel prices and for automatic signs.
- H. Roof signs.
- I. Free-standing signs, provided that one free-standing sign may be allowed for each single or multi-tenant building, if such sign shall be constructed of wood, shall not exceed ten feet (10') in height to the top of the sign or supporting structure whichever is higher, shall not encroach on any public right-of-way, and shall comply with all other applicable design and construction standards as set forth in this sign code, and further provided that single or double tenant signs shall not exceed twenty-five (25) square feet, and signs for three (3) or more tenants shall not exceed a maximum of fifty (50) square feet per face.

SECTION 9-12: DESIGN AND CONSTRUCTION STANDARDS:

- A. Design
 - 1. Setback: All free-standing signs located within the limits of the city shall be set back a minimum of ten feet (10') from the property line, measured from the property line to the nearest point of the support structure. No freestanding sign shall project to a point closer than 18" inches from the edge of an improved roadway surface. No projecting sign, canopy, sign or marquee shall extend from a building to a point beyond eighteen inches (18") from the back of the adjacent street curb, nor shall they be lower than eight feet (8') above the sidewalk from which they overhang.
 - 2. General: Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this sign code. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs or buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof.
 - 3. The supports for all signs or sign structures shall be placed in and upon private property, and shall be securely built, constructed and erected in conformance with the requirements of this sign code.

SECTION 9-13: LANDSCAPING:

The ground area around the base of all free-standing signs shall be landscaped, providing that the administrator of planning services may exempt free-standing signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicle traffic.

SECTION 9-14. EXEMPTED SIGNS:

The following signs shall be exempted from the provisions of this sign code providing that they meet the requirements set forth in this Section:

- A. All signs erected in public right-of-way by a public agency controlling or directing traffic or for other regulatory or directional purposes shall be exempt from the provisions of this sign code.
- B. Political signs pertaining to a specific election, which are displayed within commercially zoned districts must be removed within five (5) days after the election by the candidate or property owner who placed the sign.
- C. Real estate signs of less than four (4) square feet of sign area located within the building setback areas and shall not occupy any portion of the public right-of-way.
- D. Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors, lending institutions, and architects, not to exceed one sign of thirty-five (35) square feet for each street frontage of the building frontage. Said sign shall be removed upon occupancy of the building for which the sign was intended.
- E. Flags, either official or historical, of any state or nation.
- F. Any sign inside a building or inside a window, except flashing, animated or rotating signs visible from outside the building. The total percentage of window coverage for signs on the interior of a window shall not exceed thirty-five percent (35%).
- G. Owner identification or occupant identification signs for residential structures, private warning signs and for sale or for rent signs, none of which may exceed two (2) square feet.
- H. Temporary signs/banners located on property to announce conventions or business special events and which shall be immediately removed at the conclusion of the event, or which may be otherwise extended in writing by the administrator of planning services.
- I. Murals - provided no words are used for the intent of advertising. All requests for murals shall be reviewed by the administrator of planning services and either approved or denied by the city council.
- J. Signs stating the name of a housing complex of ten (10) or more dwelling units, provided that the sign does not exceed twenty-five (25) square feet. Free-standing signs shall be placed within a landscaped area and shall be approved by the administrator of planning services.
- K. A-frame signs provided that they do not exceed a dimension of two (2) feet wide and four (4) feet high.

SECTION 9-15: NONCONFORMING SIGN:

- A. A nonconforming sign is any sign which was placed or erected prior to the effective date of this sign code, or is located in newly-annexed territory, which does not conform to the provisions of this sign code as it may be amended from time to time.
- B. All nonconforming signs which are nonconforming due to exposed metal support poles, structures or edges, or because of design or construction standards, are allowed to remain as long as they advertise a bona fide business; provided, however, nonconforming signs altered or changed within any twelve (12) month period to a value equal to twenty-five percent (25%) of their current value shall comply with all the provisions of this sign code. In addition, all temporary and/or A-frame and signs not meeting the provisions of this sign code shall be removed within thirty (30) days of the passage of this sign code. Flashing or rotating signs shall comply with the provisions of this sign code within sixty (60) days of its passage.
- C. All signs that are nonconforming only because of the setback requirements set forth in Section 9-12 are hereby not required to move, provided they are not located on public right-of-way, in which case they are required to move in compliance with Section 9-5 of this ordinance.

SECTION 9-16: MAINTENANCE AND REPAIR:

Every sign, including, but not limited to, those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the repair or replacement of defective parts, painting, repairing, cleaning and other acts required for the maintenance of said sign. The administrator of planning services shall require compliance with all standards of this provision. If the sign is not made to comply with adequate safety and maintenance standards, the administrator of planning services or city building inspector shall require its removal in accordance with this provision.

SECTION 9-17: REMOVAL AND DISPOSITION OF SIGNS:

- A. **ABANDONED SIGNS:** Except as otherwise provided in this Sign Code, any sign which is located on property which becomes vacant and unoccupied for a period of two (2) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business, shall not be deemed abandoned unless the property remains vacant for a period of three (3) months or more. Any sign which no longer, for a period of three (3) consecutive months, advertises goods, products, services or facilities available to the public, shall be deemed to have been abandoned. Abandoned signs shall be removed by the owner of the premises on which the sign is located. For signs that are conforming under the provisions of this sign code as to location, size, etc., but no longer advertise a bona fide business, may with the approval of the property owner/tenant and the administrator of planning services cover the message or sign copy with paint or other material as approved by the administrator of planning services. In the event the property owner refuses to cover a conforming sign that no longer advertises a bona fide business and is deemed to be abandoned, the remaining provisions of this Section shall be enforced.

- B. **DANGEROUS OR DEFECTIVE SIGNS:** No persons shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owners to remove or repair a dangerous or defective sign, the building inspector shall proceed as described in subsection C immediately below.
- C. **REMOVAL OF SIGNS:** The building inspector or administrator of planning services shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or materially, electrically or structurally defective sign. The building inspector or administrator of planning services shall prepare a notice which shall describe the sign and specify the violation involved and which shall state if the sign is not removed or the violation is not corrected within twenty (20) days, the sign shall be removed in accordance with the provisions of this subsection.
- D. All notices mailed by the building inspector or administrator of planning services shall be sent by certified mail. Any time periods provided in this subsection shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any of such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.
- E. Any person having an interest in the sign or the property may appeal the determination of the building inspector or administrator of planning services, ordering removal or compliance by filing a written notice or appeal with the city council within ten (10) days after receipt of the notice. Notwithstanding the above, in cases of emergency, the building inspector may cause the immediate removal of a dangerous or defective sign without notice.
- F. **DISPOSAL OF SIGNS; COST:** Any sign removed by the building inspector pursuant to the provisions of this subsection, shall become the property of the city and may be disposed of in any manner deemed appropriate. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city. The costs of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal
- G. If it shall be necessary for the building inspector to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, he may sell the same at private or public sale at the best price obtainable and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. Any excess cost over and above such costs and the cost of the removal shall be levied as an assessment against the property on which the sign is located, by the city council, certified to the auditor and collected as any other assessment by the city. Should the proceeds exceed the costs, the excess shall be paid to the owner of the premises from which said sign was removed or to the owner of said sign, whenever claim thereof is established.

SECTION 9-18. PENALTY:

Any person violating any provision of this Sign Code is subject to the penalties as set forth in Article 3 of this ordinance.

**ARTICLE 10
STORMWATER, EROSION CONTROL**

SECTION 10-1: PURPOSE:

The purpose of this section is to protect the ground waters of the city from the deleterious effects of stormwater runoff by requiring pretreatment prior to infiltration, and to protect the surface waters of the city from the deleterious effects of contaminants and sediments carried by stormwater runoff.

SECTION 10-2: AUTHORITY:

The adoption of standards for storm drainage systems are authorized at 67-6518, Idaho Code.

SECTION 10-3: DEFINITIONS:

For the purposes of this Article, the following terms shall have these specific meanings:

ARTIFICIAL WATERCOURSE: A channel, created by human activity for the purpose of conveyance of waters. The term shall include conveyance channels, grassed swales, roadside ditches or gutters, but shall not include agricultural irrigation ditches.

CLEARING: The destruction and/or removal of vegetation by manual, mechanical or chemical means, except that for the purposes of this ordinance, the term shall not include agricultural and silvicultural practices, gardening, landscaping, snow removal and other incidental practices not associated with vegetative removal as a precursor to actual construction to which this ordinance is applicable.

CONVEYANCE: A mechanism for transporting stormwater from one point to another including pipes, ditches and channels, but not including agricultural ditches for irrigation.

COUNCIL: The East Hope City Council.

DESIGN STORM: A rainfall event of specific return frequency and duration that is used to calculate stormwater runoff volume and peak discharge rates. For the purposes of this title, the design storms are:

- A. 25-year design storm shall mean a rainfall event of .1 inches per hour for a twenty-four (24) hour duration.
- B. 100-year design storm shall mean a rainfall event of .125 inches per hour for a twenty-four (24) hour duration.

DESIGN PROFESSIONAL: A qualified person with the requisite education and experience to design, supervise or build portions of a stormwater management system. Design professionals may include, but are not limited to, engineers, landscape architects and soil scientists for various components of a Stormwater Management Plan.

DETENTION: The temporary storage of stormwaters to provide for settling of suspended solids, infiltration, velocity reduction or combination of these.

DEVELOPMENT: The construction or extension of land uses, including the placement or construction of structures, road building, utility installation, grading, and fill.

EROSION CONTROL: Any temporary or permanent measure taken to reduce erosion, control siltation and sedimentation, or insure that sediment-bearing waters do not leave a construction site.

EROSION CONTROL PLAN: A document consisting of drawings of a site with diagrams, explanatory text, maps, etc., which are developed for erosion control.

GROUND WATER: Waters in a subterranean saturated zone or stratum.

IMPERVIOUS SURFACE: A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to construction, or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow compared to conditions prior to construction. Common impervious surfaces include, but are not limited to roof tops, walkways, patios, driveways, parking lots, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which impede the natural infiltration of stormwater. Open, uncovered retention or detention facilities are not considered to be impervious surfaces for the purposes of this section.

LAND DISTURBING ACTIVITY: Any activity which results in a change in the existing soil cover, and includes clearing, grading, filling, and excavation.

ROAD CONSTRUCTION: The building up of the natural land surface within a right-of-way or easement for the purpose of creating a travel-way open for vehicular passage. Road construction shall include such activities as initial clearing, alteration of topography, installation of culverts, filling of low areas, deposition of sub-base or base material, topping, grading, and surfacing.

ROAD RECONSTRUCTION: Any modification of the cross-section, subgrade or alignment of a road or travel-way within a right-of-way or easement. Routine grading, re-surfacing or repaving of a road shall not be considered reconstruction.

RETENTION: The holding of stormwater runoff within a contained area in such manner that the stormwaters so contained can leave by means of evaporation, infiltration or emergency overflow or bypass structures.

SEDIMENT: Fragmented material that originates from weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

SITE: The land area subject to a land disturbing activity associated with any construction to which this ordinance is applicable. The site shall be deemed to include actual areas of land disturbance and areas designated for stockpiling or storage of excavated earthen materials.

STORMWATER: That portion of precipitation that does not naturally percolate into the ground or evaporate but flows via overland flow into channels or pipes into a defined watercourse, stream or constructed conveyance, detention or retention facility.

STORMWATER MANAGEMENT PLAN: A document composed of drawings, maps, calculations, etc., which is used to design a stormwater management system and to ensure the functioning of the system.

STORMWATER MANAGEMENT SYSTEM: A system of collection, detention, retention and/or infiltration areas and/or treatment devices designed to prevent untreated stormwater from entering a natural body of surface water.

STREAM: A natural watercourse of perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water.

SURFACE WATER: All waters that collect, flow or accumulate on or above the ground surface.

SWALE: A shallow depression in the ground surface with relatively gentle side slopes, which is designed or used to retain stormwaters for sufficient time to allow the stormwater to percolate into the soil.

TREATMENT DEVICE: A constructed or manufactured area or mechanism designed to remove contaminants from stormwater. Treatment devices may include but are not limited to: detention ponds, oil/water separators, biofiltration swales and constructed wetlands.

UNDEVELOPED OR UNDISTURBED STATE: The soils and vegetation in place prior to the start of any land disturbing activity.

WATERCOURSE: A natural channel carrying waters on an intermittent or infrequent basis.

WATERS: All the accumulations of water, surface and groundwater, natural and artificial, public and private, or parts thereof which are wholly or partially within, or flow through a border on city limits.

SECTION 10-4: APPLICABILITY:

A. The provisions of this Section shall be applicable to:

1. All new subdivisions.
2. Commercial and industrial site development
3. All public projects, including road construction, undertaken by the city, or undertaken by any other political subdivision of the State of Idaho or public agency over which the city asserts jurisdiction.
4. New residential building construction which occurs within 300 feet of any surface water as shown on the National Hydrography Dataset (NHD), as published by the U.S. Geological Service.
5. New residential building construction which occurs on a slope with 15% or greater incline as determined from applicable 7.5 Minute Quadrangle Map published by the United States Geological Service or by actual survey.
6. Land disturbing activities which are a part of, accessory to, or preparatory to any of the activities listed in subparagraphs 1 through 5 of this subsection.

B. The provisions of this section shall not be applicable to any activity not specifically enumerated in subsection 10-4A and shall not be applicable to:

1. Road construction which proceeds in compliance with and is restricted by the Idaho Forest Practices Act, Title 38, Chapter 13, Idaho Code.
2. Agricultural activities and practices specifically exempted from the Local Land Use Planning Act at 67-6529, Idaho Code, to include the construction or use of ranch or farm roads used for access to fields, pastures or woodland.
3. Road or highway construction within the jurisdiction of any public highway agency other than the city, and over which the city may not assert use or control pursuant to provisions at Title 40, Idaho Code.

4. Installation, repair, replacement or maintenance of septic tanks which proceeds under the terms of a permit issued by the Panhandle Health District.
5. Stream channel alterations which proceed under the terms of a permit issued by the Idaho Department of Water Resources pursuant to Title 42, Chapter 38, Idaho Code.
6. Traditional uses and activities carried out in conjunction with a residential use including but not limited to such activities as gardening, yard maintenance, tree planting and reforestation, snow removal, etc.
7. Drilling of wells which proceed under the terms of permits issued by the Idaho Department of Water Resources.
8. Land clearing and similar activities which occur as a part of fire suppression, or for the purpose of constructing fire breaks in forest lands.
9. Land clearing of rights-of-ways by utility companies for the purposes of utility transmissions and servicing of utility owned equipment.

SECTION 10-5: GENERAL PROVISIONS:

- A. For all activities to which this section is applicable as set forth at section 10-4A, it shall be unlawful for any person, group, association, entity or body corporate to proceed to conduct any activity or initiate construction on any structure including excavation, site preparation or leveling without first complying with the provisions of this section.
- B. No person shall damage, harm fail to install or complete, or otherwise impair the grass infiltration areas, or any portion of a stormwater management system without prior approval from the city.
- C. The failure to maintain any component of a stormwater management system in accordance with an approved stormwater management plan shall be deemed a violation of the provisions of this Section.

SECTION 10-6: ADMINISTRATION AND ADMINISTRATIVE EXCEPTIONS:

- A. Administrator Designated. The administrator of planning services, or such other person as the city council shall designate, shall administer the provisions of this section and shall perform all duties imposed upon the Administrator within this ordinance.
- B. Duties of the Administrator. In addition to the specific duties as may be set forth in other sections, the Administrator shall:
 1. Examine all permit applications submitted to the city to determine whether the provisions of this section apply. The administrator will receive all applications relating to the administration of this section;
 2. Direct applications into the relevant and proper procedural manner or review;
 3. Maintain on file all applications, records of proceedings, final decisions, final stormwater management plans, administrative exceptions issued, variances and records of appeals as are required by this section.
 4. Use as guidelines for examining all erosion control plans preliminary stormwater management plans and final stormwater management plans the Handbook of Best Management Practices for Stormwater Management and Erosion and Sedimentation Control, and the Stormwater Management Plan Criteria and Engineering Standards prepared for the Panhandle Health District and the Interagency Stormwater Committee by Kennedy Engineers, Spokane, WA, April 1992, or other generally-accepted Best Management Practices. The handbooks shall be used for guidance

purposes only, not as a regulatory standard, and shall be made available to the public at the office of the city clerk.

5. Assist applicants to comply with the provisions of this section.
6. Designate such assistants the administrator may find necessary to fulfill duties in a timely manner.

C. Administrative Exceptions. It shall be the duty of the administrator to exercise sound professional judgment in the issuance of administrative exceptions and to determine that such exceptions are within the purposes set forth in the section.

1. The administrator may issue an administrative exception from the provisions of this section, in whole or in part for applications for building permits for additions, remodeling or restoration of existing structures which would otherwise be subject to the provisions of this section as set forth at subsection 10-4(A).
2. The administrator may issue an administrative exception from the provisions of this section to allow for minor variations to the standards set forth herein to accommodate unique topographical, vegetative, geological or hydrological conditions.
3. The administrator may issue an administrative exception from provisions of this section when an applicant can demonstrate that the site located within 300 feet of a body of water is so situated topographically that the natural drainage from the site flows away from the body of water.

SECTION 10-7: PROCEDURES FOR REVIEW AND APPROVAL:

A. Procedures for new subdivisions.

1. At the time of application for a new subdivision, the applicant shall submit a report demonstrating the potential of the site to meet or exceed the requirements set forth in this ordinance. The administrator shall review the report and may suggest modifications as may be needed to meet the requirements of this section.
2. The applicant shall then cause a preliminary stormwater management plan to be developed for the subdivision application. The preliminary stormwater management plan and the preliminary plat of the subdivision shall be reviewed concurrently by the Council.
3. Upon approval of the preliminary stormwater management plan and the preliminary plat of the subdivision, the applicant shall cause a final stormwater management plan to be drawn for the subdivision and shall submit the plan to the administrator concurrently with the final plat for the subdivision.
4. No final plat for a subdivision shall be approved until the stormwater management plan for the subdivision is also approved by the Council.
5. No final plat shall be signed by the council until the requirements at Section 10-10(A) of this ordinance have been met.
6. A set of final drawings illustrating the actual placement of the components of the stormwater management system shall be filed with the Administrator prior to the release of any bond or financial surety for the stormwater management system.

B. Procedures for applications to be reviewed concurrently. Any application that is not an application for a subdivision but which is subject to the procedural requirements set forth in the zoning ordinance, shall be reviewed following the procedures set forth in this subsection. This section is applicable to applications for conditional use permits, industrial and commercial site plan reviews, planned unit developments, etc. which are included at Section 10-4(A2) of this ordinance.

1. A preliminary stormwater management plan shall be submitted concurrently with the application to be processed through the zoning ordinance. The administrator shall review the preliminary stormwater management plan and make a report determining the compliance of the plan for the board.
 2. At the time of council review of the application, the preliminary stormwater management plan shall also be reviewed.
 3. After approval of the preliminary stormwater management plan, the applicant shall cause a final stormwater management plan to be created for the application.
 4. No final approval of the application shall occur unless a final stormwater management plan for the application is approved concurrently, or has received prior approval.
- C. Procedures for processing individual building permit applications. Unless an administrative exception has been issued, all building permits to which this Section is applicable, as set forth at Section 10-4A, subparagraphs 4 and 5, shall be processed as set forth in this subsection.
1. For all building permits subject to Section 10-4A that will result in land disturbing activities on sites greater than 4,000 square feet in area the applicant for a building permit shall submit a preliminary stormwater management plan at the time of application for a building permit.
 2. For building permits which would result in less than 4,000 square feet of land disturbing activities at the site and for Group R, Division 3 Occupancies (dwellings), the applicant for a building permit shall submit an erosion control plan.
 3. The administrator shall review the preliminary stormwater management plan or the erosion control plan for compliance with the provisions of this section.
 - a. If the administrator finds the erosion control plan or the preliminary stormwater management plan in compliance with the provisions of this section, the building permit shall also be deemed to be in compliance.
 - b. If the administrator finds that the erosion control plan or the preliminary stormwater management plan is not in compliance with the provisions of the section, the administrator shall notify the applicant in writing of the changes that need to be made to the drawings or the plan to bring it into compliance. Changes to a plan or drawings shall not require reapplication.
 4. Final erosion control plans and stormwater management plans shall be retained on file with the building permit application.
- D. Procedures for review of public projects.
1. Public projects which require zoning review and approval shall be processed as at Section 10-7(B).
 2. Public projects which require only a building permit shall be processed as set forth in Section 10-7(C).
 3. Public projects which do not require zoning review and that do not require building permits shall conform to the procedures set forth as follows:
 - a. A preliminary stormwater management plan shall be prepared for the public project and submitted to the administrator for review, prior to the commencement of any land disturbing activity associated with the project.
 - b. The administrator shall review the plan and shall prepare a report for the board containing a determination as to whether the plan meets the standards of this section, and what, if any, changes are necessary to bring the plan into conformance with this section.
 - c. The administrator shall present the report to the council at any regular or special meeting, and the council may act to approve or deny the stormwater

management plan. If the plan is approved, the Administrator shall keep a copy of the plan in a permanent file. If the plan is denied, the board shall cause notice to be given to the applicant of what changes in the plan or the project could be made in order to obtain approval.

SECTION 10-8. GENERAL REQUIREMENTS:

Unless otherwise lawfully excused from compliance with the standards set forth in this section, all development to which this section is applicable shall comply with the following requirements and methods for stormwater management control:

- A. Stormwater, in accordance with the performance standards set forth herein, shall be directed by non-erosive means to grass infiltration areas when appropriate. If the proposed development exceeds site limitations for grass infiltration methods then an acceptable alternative stormwater collection, treatment, and disposal system shall be implemented, subject to review and approval of the administrator. Such grass infiltration areas or other functionally equivalent systems may be designed in either nodal or dispersed form.
- B. All development subject to this section shall be carried out such that the run-off of stormwaters shall not be accelerated or concentrated beyond pre-development levels beyond the exterior property lines or project boundaries. Exceptions for joint management of stormwater adjoining property owners will be allowed by the administrator if an acceptable joint agreement is presented as a part of the stormwater management plan.
- C. Stormwater runoff shall be managed through compliance with the designed standards and best management practices or by implementation of measures shown by a design professional to have an effective design capability which equals or exceeds the standards of the Section.
- D. Each applicant who proposes and implements a grass covered retention area for the collection or treatment of stormwater in accordance with this section shall also establish the necessary maintenance system, including and acceptable plan for sustained functioning of the collection and treatment system.
- E. Preliminary stormwater management plans shall bear the signature of a design professional and shall include:
 - 1. A project summary or site plan showing the entire area covered by the application, any construction sites, existing drainage patterns, constraining environmental conditions and areas proposed or likely to be covered by impervious surfaces at completion of the project.
 - 2. Construction quality drawings of all physical features of a proposed stormwater management system, except that channels and swales for collection and infiltration may be shown in extent and profile sufficient to determine capacity.
 - 3. Calculations which include at a minimum: the extent of impervious surfaces, the capacity of conveyances and retention basins; and the design storm yield expected at the site.
 - 4. A proposed construction schedule for the stormwater management system.
 - 5. A proposed system of maintenance of the various elements of the stormwater management system, designating specifically any portions which are to be conveyed to a group, association or political subdivision for maintenance.
 - 6. An erosion control plan

- F. Final stormwater management plans shall bear the stamp or signature of a design professional and shall include:
1. Construction quality drawings of all physical features of the stormwater management system, to include a grading plan with extent, contours at two (2) foot intervals and dimensions clearly shown for all channels and swales designed for collection and infiltration of stormwater runoff.
 2. For any injection wells subject to the provisions of Title 42, Chapter 39, Idaho Code, that a permit for such wells has been obtained from the Idaho Department of Water Resources.
 3. For any stream channel alterations subject to the provisions of Title 42, Chapter 38, Idaho Code, that a permit for such alterations has been obtained from the Idaho Department of Water Resources.
 4. The calculations used in the design of the stormwater management system.
 5. The erosion control plan.
 6. The operation and maintenance plan.
- G. Erosion control plans shall include:
1. Drawings of an appropriate scale, not to exceed 100 feet to the inch showing the area(s) of land disturbing activities, surface water bodies and water courses, utilities, easements, areas subject to clearing, grading and for stockpiling of topsoil.
 2. Location of temporary erosion and sedimentation control measures.
 3. Location of permanent erosion and sedimentation control measures.
 4. A proposed construction and revegetation schedule.
 5. Maintenance and repair responsibility.
 6. Calculations which include at a minimum: the extent of impervious surfaces, the capacity of conveyances and retention basins; and the design storm yield expected at the site.
- H. Operation and maintenance plans shall include:
1. An inspection schedule for the stormwater management systems to assure its continued operation as designed.
 2. The person, organization, political subdivision or corporation, responsible for the continued operation and maintenance of the stormwater management system.
 3. The contact person.
 4. Financial arrangements for the support of continued maintenance of the stormwater management system.
- I. Minor Modification of Stormwater Management Plans and Erosion Control Plans During Construction. During any aspect of site preparation, development or construction, if field conditions prove to be substantially different from conditions assumed by the design professional in the creation of a stormwater management plan or erosion control plan, such that stormwater or erosion controls may not function as planned, the design professional or owner may apply to the administrator for permission to make a minor modification in the plan. If the administrator finds that the modification is necessary and in substantial accord with the approved plan, the administrator shall notify the design professional or owner in writing, and construction and proceed. Any such minor modifications approved by the administrator shall be shown on final drawings of the stormwater management plan on file with the administrator.

SECTION 10-9. PERFORMANCE STANDARDS:

The following performance standards shall be applicable to all design, construction, implementation and maintenance of stormwater management systems as required by this ordinance.

- A. Treatment System. All stormwater from impervious areas shall be directed to grass infiltration areas or their functional equivalent. Stormwater treatment systems shall be sized to hold and treat the first one-half (1/2) inch of stormwater from impervious surfaces.
- B. Collection and Conveyance System. No stormwater shall be collected or concentrated except within a channel or artificial watercourse protected against erosion and containing energy dissipation measures to prevent erosion on adjoining lands. Existing watercourses and streams shall be protected from disturbance and erosion during site development. Any site development shall preserve installed components of a stormwater management system if they exist. All disturbed soils shall be protected from erosion during the course of construction.
- C. Disposal system. The disposal component of a stormwater management system shall have the capacity to collect, convey and provide detention for a 25-year design storm, without damage to the stormwater management system or adjacent land and improvements.
- D. For new subdivisions, planned unit developments, commercial and industrial development and public projects as described herein, there shall be no increase in the peak rate of runoff from the site when compared with the dissipation of stormwater from the site prior to the start of any construction, for the first one-half (1/2) inch of run-off. Within project boundaries, sufficient retention capacity shall be constructed to retain stormwater flow from the first one-half (1/2) inch.

SECTION 10-10. GUARANTEE OF INSTALLATION:

- A. For new subdivisions: No final plat shall be signed until the stormwater management facilities are in place and functioning as designed or until a guarantee of financial surety is provided to and accepted by the city.
- B. For building permits subject to the provisions of this ordinance: No certificate of occupancy will be issued until the stormwater management system has been installed and is functioning as designed. If the administrator finds that, due to weather conditions or other exigent circumstances, the stormwater management system installation can be delayed without defeating the purposes of this ordinance, a certificate of occupancy will be issued upon receipt of an acceptable guarantee of financial surety to complete installation by a date certain.
- C. For building permits subject to the provisions of this ordinance: No certificate of occupancy will be issued until the erosion control plan has been fully implemented. If the administrator finds that, due to weather conditions or other exigent circumstances, the erosion control plan cannot be fully implemented until a future time, a certificate of occupancy will be issued upon a receipt of an acceptable guarantee to complete the erosion control plan implementation by a date certain.

SECTION 10-11. FEES:

- A. In receiving applications, the administrator is authorized to collect fees. The fees collected for stormwater management plans and erosion control plans shall be set by resolution.
- B. No application shall be deemed to be complete until the fees for the application have been paid.
- C. There shall be no fee for applications for administrative exceptions, administrative appeals or appeals.

SECTION 10-12. VARIATIONS TO STANDARDS:

- A. It shall be the duty of the administrator to determine when an applicant's request for a variation from the standards of this section is beyond the scope of an administrative exception as set forth in Section 10-6(C). The administrator shall inform the applicant that the request must be processed as a variance.
- B. An applicant for a variation shall show that the site character is topographically, physiographically, vegetatively or geologically so unique that the strict imposition of the standards of this ordinance would:
 - 1. Defeat the purposes of the ordinance; or
 - 2. Be less efficient in the collection, conveyance, detention, retention or treatment of stormwaters than the proposed alternative; or
 - 3. Create an undue hardship.
- C. No variation shall be issued where such variation would impose a burden upon adjacent landowners or divert untreated stormwaters onto adjacent lands.
- D. The administrator shall mail notices to owners of adjacent lands that a request for variation has been received and the date and time at which the Council will hear the request at least ten (10) days prior to the date of the Council meeting.
- E. The administrator shall schedule the request for variation at a regular meeting of the Council that allows sufficient time for notification of adjacent landowners.
- F. The Council shall consider the request for variation, the circumstances of the site, the effects on adjacent lands and the purposes of this ordinance.
- G. The Council may:
 - 1. Approve the request in whole; or
 - 2. Approve the request in part; or
 - 3. Deny the request and provide the applicant with a written statement setting forth the reasons for the denial.

SECTION 10-13. APPEALS:

- A. Administrative appeals. Any person, group, association or body corporate which asserts that the Administrator has erred in the interpretation of this ordinance or has allowed or disallowed an administrative exception in error or is aggrieved by any final determination made by the administrator may file an appeal in accord with Section 4-7(B) of this ordinance.
- B. Any person, group, association, or body corporate aggrieved by any final decision of the council under the provisions of this ordinance may file for a judicial review by the district court.

SECTION 10-14. INVESTIGATION, ENFORCEMENT, AND PENALTIES:

- A. Investigation. The administrator shall cause investigations to be made upon the request of the council or any public agency when any violation of the provisions of this ordinance are alleged to have occurred. The administrator shall make every effort to contact the property owner, and in no case shall be authorized to conduct warrantless searches of private property in the absence of consent from the property owner or occupier. Any district court in Bonner County is authorized to issue a search warrant to the administrator upon a showing of probable cause to suspect a violation or the existence of a reasonable program of inspection of the terms of a stormwater management system.
- B. Violation. Whenever the administrator determines that any person is in violation of any provision of this ordinance, the administrator may commence an administrative enforcement action by following the procedures set forth in Section 3-6 of this ordinance.
- C. Any person determined to have violated any provision of this section is subject to the penalties and remedies set forth in Section 3-5 of this ordinance.

ARTICLE 11 SUBDIVISION REGULATIONS

SECTION 11-1: PURPOSE

The subdivision regulations of this article are provided to ensure the orderly division and development of the land within the City of East Hope and to assure public and shared private facilities have adequate capacity and are designed and constructed to serve the proposed development. These regulations also guide the future development of the city in accord with the adopted comprehensive plan.

SECTION 11-2: AUTHORITY:

These regulations are adopted pursuant to the authority given to the city council by Article XII, Section 2 of the Idaho Constitution, Idaho Code Title 50, Chapters 3 and 13, and Title 67, Chapter 65.

SECTION 11-3: APPLICABILITY & EXEMPTIONS:

Any subdivision of land within the City of East Hope into two (2) or more parcels, lots, sites, or tracts for the purpose of sale, lease, transfer, or development, regardless of size, whether immediate or future, shall not proceed except in compliance with this ordinance. No subdivision plat shall be recorded, nor shall any divided lots be sold unless the subdivision has been approved in conformance with this ordinance and all planned improvements have been installed or a surety guaranteeing completion of improvements has been provided. Failure to comply with these provisions shall constitute a violation of East Hope Zoning and Subdivision Ordinance and shall be subject to the penalties and consequences established by this code. The provisions of this article shall not apply to the following:

- A. Property line adjustments between adjacent properties that do not result in the creation of any additional lots or parcels. Property line adjustments are subject to the provisions of Article 12 of this ordinance;
- B. Any division or acquisition of land by a taxing district, government agency, or utility regulated by the Idaho Public Utilities Commission.

SECTION 11-4: APPLICATIONS AND FEES:

Application. Any person or entity who proposes to subdivide land within the City of East Hope shall submit to the city clerk a completed application on a form provided by the city and in accord with the provisions of this article. The application shall include:

- A. The signature of the legal owner of the property or a letter from the legal owner authorizing the filing of the application;
- B. A fee, established by resolution of the city council. Fees may be charged in increments to coincide with the application progress;
- C. A stormwater management plan, where applicable;
- D. A current deed;
- E. A title report not less than six (6) months old;
- F. A vicinity map;
- G. Preliminary designs or construction plans, where applicable;
- H. A defensible space fire plan and emergency escape routes for all future subdivision lots;
- I. Any additional information required by the city to complete the application;

- J. A preliminary plat, drawn by an Idaho-licensed surveyor, showing the land to be divided, drawn at a scale to ensure clarity of all lines, bearings, and dimensions. The number of copies and format shall be specified by the city. The preliminary plat shall include:
1. The proposed name of the subdivision, in accord with the state requirements for unique names;
 2. The location of the boundary lines of the proposed subdivision in relation to section, quarter section and quarter-quarter section lines and any adjacent corporate boundaries of the city
 3. The boundaries and dimensions of all blocks and lots, area of each proposed lot, together with proposed block and lot numbers
 4. Any existing or proposed easements and right-of-way dedications;
 5. All proposed streets, showing width, proposed street names, and location of proposed curbs, swales, sidewalks, street lights, and other required improvements;
 6. All adjacent streets, existing right-of-way width, and the location of roadway centerline, and any existing street features;
 7. Location of existing structures and setbacks from proposed lot lines and streets'
 8. Location of waterways, wetlands, floodplains, floodways, slopes of greater than fifteen percent (15%), and topography of the site;
 9. Location, dimensions, and area of all parcels of land to be set aside for parks, open space, or other public use or for the use of property owners in the proposed subdivision;
 10. Development phases, or stages, if the project is to be phased;
 11. North point and scale.

SECTION 11-5: PRELIMINARY PLAT PROCEDURES:

- A. Pre-application meeting. Applicants are encouraged to attend a pre-application meeting with city staff prior to submitting a preliminary plat application.
- B. Procedures for review. The preliminary plat application shall be reviewed, considered and a final decision issued, using the application procedures established at Article 4 of this ordinance.
- C. Public notice. At least fifteen (15) days prior to the date of the public hearing, notice of the time and place of the hearing and a summary of the proposal shall be published in the official newspaper of East Hope. Notice by U.S. mail shall also be provided at least fifteen (15) days prior to the hearing to all property owners of record within three hundred feet (300') of the external boundaries of the land proposed for subdivision. When notice is required to two hundred (200) or more landowners, the alternate legal notice requirements of Title 67, Chapter 65 (Idaho Local Land Use Planning Act) shall be used.

SECTION 11-6: STANDARDS OF REVIEW:

The applicant is responsible for providing sufficient evidence to confirm the proposal is in accord with this ordinance. The city council may approve, approve with conditions, or deny the subdivision, following the completion of public hearing procedures, and based upon the following standards. In order to approve the preliminary plat, the city council shall find there is adequate evidence the proposed plat:

- A. Is in compliance with the minimum zoning standards of this ordinance.
- B. Has sufficient public services, including water supplies, sewer services, fire protection, schools, and emergency services, in adequate quantity and quality to serve future lot owners.

- C. Will not adversely affect existing public services and users with the extension of services to the new development.
- D. Has a transportation system that is adequate to safely serve projected traffic from the development without impacting the quality of the current transportation system and is in accord with the city's adopted transportation plan.
- E. Meets the design standards of the subdivision regulations.
- F. Will not impact the natural resources of the city and surrounding lands and that any potential impact is mitigated by the project design and conditions of approval.

SECTION 11-7: CONDITIONS:

The city council may set conditions of approval to ensure the proposed development is completed in accord with the standards of this ordinance. These conditions may include, but are not limited to:

- A. Mitigation measures to protect adjoining lands from the development or to reduce potential hazards;
- B. Required improvement plans;
- C. On- or off-site improvements to public facilities, in direct proportion to the impacts caused by the proposed development;
- D. Dedication of land for public rights-of-way, utility easements, or similar dedications directly related to the proposed development and the ability of the city or other political subdivisions to adequately serve the subdivision;
- E. Timetables for completion of improvements;
- F. Execution of development agreements to ensure the completion of conditions and improvements.

SECTION 11-8: EXPIRATIONS & EXTENSIONS:

The final plat shall be recorded within two (2) years of the date of written approval of the preliminary plat or the decision shall be null and void. An extension not to exceed two (2) years may be granted by the city council, provided the applicant submits the extension request and fee prior to the expiration date of the preliminary plat.

SECTION 11-9: DESIGN STANDARDS & IMPROVEMENTS:

- A. Preliminary plans. Preliminary designs for streets, public utilities, and other improvements, in accord with adopted city and public service agency standards, shall be submitted at the time of preliminary plat application. At a minimum, the preliminary designs shall include:
 - 1. A layout of existing streets and proposed streets, accesses, grades, surface types, roadway centerlines, signs, and proposed street names;
 - 2. Proposed street cross section, in accord with the adopted city street standards;
 - 3. Location of proposed sidewalks or pathways;
 - 4. Location of any proposed lighting or landscaping;
 - 5. Proposed utility plan, showing location of fire hydrants, dry and wet utilities;
 - 6. General grading plan showing contours and flow patterns;
 - 7. Any additional information required by the city engineer to complete a preliminary review of subdivision improvements.
- B. Minimum design standards. The following design standards shall apply to all subdivisions, unless granted variation to standards, pursuant to Section 11-10 of this ordinance:
 - 1. Rules for streets and lots. The minimum width for any street right-of-way shall be forty feet (40'), except as otherwise provided by the adopted city transportation plan.

2. All streets and other public spaces and easements shall conform to the city's adopted pathways and open space plan.
 3. The minimum width of any alley shall be sixteen feet (16'). Where alleys are not provided, easements may be required along lot lines of or across lots where necessary for the extension of water mains, sewers and similar purposes.
 4. No block shall be longer than one thousand two hundred feet (1,200') between street lines. Blocks over eight hundred feet (800') in length shall have one crosswalk not less than ten feet (10') in width, situated near the center of the block.
 5. The arrangement of streets and alleys in new subdivisions shall make provision for the direct continuation of the principal existing streets and alleys to adjoining properties, unless the city engineer determines topography prohibits further continuation of the street or alley. Such streets shall be a width at least as great as the existing streets. Wherever a street dead ends due to topography, a turn-around, in accord with adopted city standards, shall be provided.
 6. At major collector or collector intersections and at all acute corners the property corner shall be rounded or cut off.
 7. All curb corners shall have radii of not less than twelve feet (12') and at important corners, as determined by the city, not less than twenty-four feet (24').
 8. Grades of streets shall be the lowest feasible and no grade shall be in excess of ten percent (10%) on through traffic streets nor in excess of fifteen percent (15%) on any other street.
 9. All streets and alleys shall be paved in accord with the adopted city standards.
 10. All utilities shall be placed underground, unless exceptions are specifically granted by this code or approved variation.
 11. Fire hydrants shall be installed in accord with city and fire district standards.
 12. All lots shall be served by public water and sewer, unless granted a variation to standards by the city. If the proposed subdivision is prior to the installation of a centralized sewer collection and treatment system, then the appropriate approvals from Panhandle Health district shall be submitted with the subdivision application. A subdivision proposal will not be considered by the city until such septic system layout and details are approved by Panhandle Health District.
- C. All improvements shall conform to the best engineering standards. Due consideration shall be given throughout to the appearance of the subdivision and the various features thereof within its own boundaries and also in its environment in the city.
- D. Parks, Playgrounds, School Sites: In subdividing property, due consideration shall be given to the provision of suitable sites for parks, playgrounds and schools.

SECTION 11-10: VARIATION TO STANDARDS

The city council may approve variations to subdivision design and construction standards, where the applicant can demonstrate that due to topography, service connections, existing development patterns, or other unique features, an alternative design or concept would better serve the proposed development. The applicant shall submit all proposed variations with the preliminary plat application. Variations shall meet the following requirements:

- A. The variation shall not be contrary to city zoning regulations.
- B. Specific site conditions that warrant the variation are unique.
- C. The variation will not adversely affect city or public services.
- D. Granting the variation is not detrimental to public health, safety, or welfare.
- E. Strict application of the required standards would create a hardship for the applicant or public, would cause environmental degradation, or would threaten the stability or durability of improvements.

SECTION 11-11: FINAL CONSTRUCTION PLANS:

Following the approval of the preliminary plat and prior to any construction, the applicant shall submit final construction plans to the city. Construction may proceed after review and approval by the city and affected agencies having jurisdiction over required improvements. The minimum general requirements for the final construction plans shall be as follows:

All plans submitted for approval shall be drawn to a legible scale in a format specified by the city, and shall include:

- A. A final stormwater management plan in accord with the requirements of Article 10 of this ordinance.
- B. Construction plans prepared by an Idaho-licensed engineer for all streets, alleys, sidewalks, fire hydrants, water systems, sewer systems, street lighting, and any other facilities or utilities required by the city as the subdivision code or as a condition of plat approval.
- C. Sufficient topography shall be shown to indicate the natural drainage and the proposed finished grades of streets. All existing and proposed streets and alleys and other public spaces shall be shown, with the width and type of pavement of surfacing, and all other important features. Sufficient information shall be drawn to scale on the plans to indicate the relation of the proposed streets and other public spaces to the present street system of the city's planning maps.

SECTION 11-12: INSPECTIONS & ACCEPTANCE OF IMPROVEMENTS:

Prior to final plat approval, the developer shall provide from the affected public agencies written confirmation of the acceptance of all completed subdivision improvements and will-serve letters, required by these regulations and conditions of approval. All required as-built and record drawings shall be submitted to the reviewing agencies. Any required private improvements shall be certified by the project engineer as complete and in accord with applicable engineering practices.

SECTION 11-13: GUARANTEE OF IMPROVEMENTS:

- A. In lieu of completion of improvements. The city council may permit the developer to provide a surety in lieu of completion of public improvements and repairs to public infrastructure associated with the subdivision. A surety in the form of a cash deposit, irrevocable letter of credit, bond, or other form approved by the city attorney shall be provided in the amount of one hundred and fifty percent (150%) of the estimated costs of the improvements to be completed. The project engineer shall provide to the city the estimate of costs to complete improvements. The surety shall be accompanied by an agreement executed by the applicant/landowner and approved by the city attorney that sets forth the terms of the surety, expiration dates, obligations, and the right of the city to proceed against the surety if improvements are not completed in accord with the agreement. If costs exceed the amount of the guarantee the city may recover full costs and expenses from the applicant/landowner.
- B. Warranty of public improvements. Upon acceptance of the completed public infrastructure, and prior to final plat approval, the landowner/applicant shall provide a warranty guarantee for the completed work in the form of a cash deposit, irrevocable letter of credit, bond, or other form of surety approved by the city attorney in the amount of twenty-five percent (25%) of the actual costs of improvements. The surety shall be accompanied by an agreement executed by the landowner/applicant. The surety shall remain in full force as a guarantee

against any defects or repairs until released by the city following an eighteen- (18-) month warranty period that begins when the city council accepts the improvements and authorizes the mayor and clerk to sign the plat. Within thirty (30) days of the end of the warranty period, the city and affected public agencies shall inspect the improvements. Any improvements needing repair shall be corrected by the landowner/applicant before the end of the eighteen- (18-) month warranty period.

SECTION 11-14: FINAL PLAT

- A. Final plat contents. The final plat shall include the following:
 - 1. The minimum essentials of plat required by Idaho Code §50-1304;
 - 2. A unique name, in accord with Idaho Code §50-1307;
 - 3. Dedications in the owner's certificate of public and private easements, rights-of-way, common open space, public parks and similar conveyances, all clearly labeled to show dimensions, purpose, ownership, and use;
 - 4. Location of all streams, rivers, lakes, or other bodies of water;
 - 5. Special flood hazard zones and notes required by East Hope flood damage prevention ordinance;
 - 6. Any private restrictions, notes or exceptions;
 - 7. Certificates, to include:
 - a. Owner's;
 - b. Project surveyor;
 - c. County surveyor;
 - d. County treasurer;
 - e. City engineer;
 - f. City of East Hope mayor and clerk
 - g. Recorder;
 - h. Health district;
 - i. City planning administrator.
- B. Final plat review process. The developer shall submit to the city copies of the draft final plat, in a format established by the city, to allow a review of the plat for conformance with Idaho Code, city codes and conditions, and Bonner County recording standards. Concurrent with the city review, the applicant shall provide a copy of the final draft to the county surveyor for review, in accord with Idaho Code §50-1305.
- C. Improvements. No subdivision shall be approved unless all street and sidewalk pavements and water and sewer mains and all other improvements required by Section 11-9 of this ordinance and the conditions of preliminary plat approval have been installed or provisions have been made to ensure installation in compliance with the provisions of this ordinance, as provided by Section 11-13.
- D. The dimensions of all lots shall be shown.
- E. The proposed use of each lot, or group of lots or subdivision shall be indicated. No lot shall be proposed for a use or a classification not permitted in the zoning regulations.
- F. The north point and scale shall be shown, and the names and addresses of the party requesting subdivision approval, as well as the engineer or surveyor shall be given on each plan.
- G. The city council shall approve the final plat and authorize the signatures of the mayor and city clerk upon confirmation that:
 - 1. The plat meets the requirements of Idaho Code and city codes;
 - 2. The plat conforms to the approved preliminary plat; and
 - 3. Conditions of preliminary plat approval and final plat review have been completed or a financial guarantee has been provided consistent with city codes.

ARTICLE 12 PROPERTY LINE ADJUSTMENTS

SECTION 12-1: AUTHORITY AND PURPOSE:

The city council has the authority delegated to it to administer the provisions of this article, pursuant to Article XII, Section 2 of the Idaho Constitution, Idaho Code Title 50, Chapters 3 and 13, and Title 67, Chapter 65. The purpose of this chapter is to set forth a process to review proposed adjustments between adjoining properties.

SECTION 12-2: APPLICABILITY:

A property line adjustment application and approval by the city shall be required for any adjustment or amendment to existing adjacent lots or parcels within the corporate limits of the city. Property line adjustments or plat amendments include any of the following:

- A. A property line adjustment to combine two or more lots or parcels;
- B. A reconfiguration of property lines, provided the resulting lots are designed to provide sufficient area to meet the required building setbacks in the respective zones.
- C. The addition of unplatted land to an existing platted lot.
- D. The amendment of a recorded plat to correct drafting errors, modify notes, or make similar minor changes that are not in conflict with the original approval by the city.

SECTION 12-3: EXCLUSIONS:

A property line adjustment shall not be permitted for any amendments that would:

- A. Create additional lots or parcels;
- B. Result in parcels or lots that do not meet zoning or subdivision standards;
- C. Propose the dedication of land to the public;
- D. Conflict with conditions of approval for the original plat.

SECTION 12-4: APPLICATION:

All applications for a property line adjustment shall be on forms provided by the city and include the following:

- A. The minimum information required in this article.
- B. The legal owner's signature or a letter from the owner authorizing the property line adjustment application.
- C. A current deed.

- D. A copy of the existing recorded plat or parcel map, marked to clearly indicate the proposed changes.
- E. For unplatted parcels, two copies of a drawing showing the parcels to be reconfigured clearly and legibly drawn at a scale not smaller than one hundred feet to the inch (1"=100'). This drawing will include the following:
 - 1. A vicinity map showing location and boundary of the reconfigured tracts and existing road pattern in the vicinity.
 - 2. Boundary lines of the tracts to be reconfigured drawn to scale, together with intersecting property lines and abutting public and private roads.
 - 3. The location, dimensions and area (in square feet) of the affected parcels.
 - 4. Location of all water courses and approximate areas subject to storm water flooding.
 - 5. Existing wells, springs, drainage, channels, overhead and underground utility lines, structures, sanitary sewers, culverts within the tract and immediately adjacent thereto.
 - 6. All easements of record, including sufficient recording data to identify the conveyance.
 - 7. The north point and scale shall be shown, and the names and addresses of the petitioner and the engineer or surveyor shall be indicated.
- F. For platted lots, the following shall be provided:
 - 1. A preliminary final plat, prepared by an Idaho-licensed land surveyor, containing the contents of a final plat required at Section 11-14 of this ordinance.
 - 2. A current title report that is not older than six (6) months.
- G. The required fee, as established by resolution of the city council;
- H. Draft deeds describing the proposed new parcels for any unplatted parcel adjustments;
- I. Additional information reasonably required for a thorough review of the application as may be requested by the administrator.

SECTION 12-5: STANDARDS:

The following standards shall apply to the proposed property line adjustments:

- A. The reconfigured lots shall be renumbered in accord with the numbering practices of the Bonner County Assessor and the City of East Hope;
- B. New lot lines shall not be closer to buildings on adjoining lots than permitted by the zoning ordinances for required yard size, with the following exceptions:

1. Reconfiguration of existing duplex lots. Each pair of reconfigured lots shall contain at least one-half ($\frac{1}{2}$) of the required lot size for a duplex and shall have at least one-half ($\frac{1}{2}$) of the required road frontage.
- C. Curb cuts shall meet design requirements for the zone in which it is located;
- D. Utility easements may be required where necessary.
- E. No additional lots or parcels shall be created and no lot or parcel shall be reduced below the minimum lot size required by zoning, except that any adjustment of non-conforming properties shall not cause any of the reconfigured land to be any more non-conforming than the original lots or parcels;
- F. The proposed lot line adjustment or amendment is in accord with the purposes of this article and of the zone district in which it is located;
- G. No additional city utilities or services are required to be extended to serve the newly adjusted lots.
- H. No right-of-way or land is being offered to the public for dedication as part of the adjustment.

SECTION 12-6: PROCEDURES:

- A. Application review. The administrator of planning services shall have a reasonable time, not to exceed about thirty (30) days to examine the application for completeness and compliance with the standards of this article. The administrator shall advise the applicant of any additional information that may be required to complete the application.
- B. Staff recommendation. After the application is determined to be complete, the administrator shall provide a written recommendation to the city council, based upon the standards of this article.
- C. City Council review. The city council shall consider the staff recommendation at the next available regular or special meeting of the council, allowing sufficient time for public meeting notice. The council may approve, deny, or continue the application, based upon the standards of Section 12-5. The council may authorize the city clerk and mayor to sign the final plat, upon receipt of a final plat in accord with the approved property line adjustment, city final plat requirements, and state platting requirements.
- D. Final procedures for unplatted properties. For adjustments to unplatted lands, the landowner shall provide the city with a copy of the recorded survey and deeds of exchange, depicting and describing the approved property line adjustment.
- E. Final procedures for platted properties. For platted lots or amendments to platted subdivisions, the applicant shall record a replat in accord with the requirements for final plats and replats of Article 11 of city code.
- F. Appeals. The final decision of the city council is subject to the right of appeal, pursuant to Idaho Code Title 67, Chapter 65.

- G. Expiration. The property line adjustment final plat or deeds of exchange shall be recorded within two (2) years of written decision or the approval shall expire.