

Salmon Development Code

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CHAPTER I - PURPOSE, AUTHORITY, AND GENERAL PROVISIONS

A. What This Chapter Does. This chapter establishes the purpose of this ordinance, identifies the enabling statute pursuant to which it is adopted, repeals conflicting ordinances, assigns vested rights to certain projects initiated or approved prior to the adoption of this ordinance, provides rules for nonconforming uses, and establishes rules for the interpretation of this ordinance.

B. Purpose. The purpose of this ordinance shall be to promote the health, safety, and general welfare of the people of the city and the area of city impact by fulfilling the purposes and requirements of the Local Planning Act of 1975 and implementing the comprehensive plan for the city and its area of city impact. Specific statements of purpose accompany selected provisions of this ordinance, but the comprehensive plan provides the full statement of the city's purpose and intent in planning and zoning activities.

C. Authority. This ordinance is adopted pursuant to the authority granted by the Local Planning Act of 1975. It includes the zoning ordinance required by I.C. 67-6511 and the subdivision ordinance required by I.C. 67-6513. It also fulfills the other requirements of the Local Planning Act, including the provision for variances required by I.C. 67-6516, the adoption of procedures for processing permits required by I.C. 6519, and the adoption of a hearing procedure required by I.C. 67-6534.

D. Conflicting Ordinances Repealed. All prior city ordinances are repealed to the full extent of their inconsistency with this ordinance.

E. Vested Rights. A "vested right" is the right to proceed with development that is "in progress" or for which all required permits were recently obtained prior to the adoption of this ordinance.

1. Vested rights to proceed with development initiated prior to the adoption of these regulations shall be established only by: 1. Having obtained a building permit in full compliance with the provisions of previous ordinances (such vested rights expire with the permit); or 2. Having recorded a final plat in full compliance with previous ordinances. Recording of a final plat establishes a vested right to the lot layout and road network of the subdivision. It does not establish a vested right for any particular use or the development of any lot.

2. Vested rights to proceed with development under the provisions of this ordinance shall be established only by: 1. Recording a final plat in full compliance with the provisions of this ordinance; 2. Executing a development agreement in full compliance with this ordinance, or 3. Obtaining a building permit in full compliance with the provisions of this ordinance. Such vested rights expire with the permit. See III.L.(pg. 16) on the duration of permit approvals.

F. Nonconforming Lots, Uses, Structures and Buildings. A term to describe any use, lot, building, structure or sign existing prior to the effective date of this code which does not comply with the standards of this code. Nonconforming may also be referred to as "Grandfathered". Nonconforming uses and buildings may continue subject to the rules established here and I.C. 67-6538. The purpose of these rules is to eliminate conflicts with nonconforming uses.

1. Any nonconforming use abandoned for more than one (1) year may be terminated.
 - a) No rights or authority granted pursuant to this chapter shall be construed to empower the city to enact any ordinance or resolution which deprives an owner of the right to use improvements on private property for their designed purpose based solely on the non-use of the improvements for their designed purpose for a period of ten (10) years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the provisions of this section are not applicable.
 - b) If the non-use continues for a period of one (1) year or longer, the city may, by written request, require that the owner declare his intention with the respect to the continued non-use of the improvements in writing within twenty-eight (28) days of receipt of the request. If the owner elects to continue the non-use, he shall notify the city in writing of his intention and shall post the property with notice of his intent to continue the non-use of the improvements. He shall also publish notice of his intent to continue the non-use in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue, notwithstanding any change in the zoning of the property.
 - c) The property owner may voluntarily elect to withdraw the use by filing with the clerk of the city an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.
 - d) For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.
 - e) The provisions of this section shall not be construed to prohibit a city from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.
2. There shall be no limit on repair or maintenance activities for nonconforming uses or buildings, provided that no such activity shall increase the degree of nonconformity. Repair and maintenance of nonconforming buildings will be subject to the requirements of the UBC.

3. Changes in and/or additions to occupancy uses may be permitted in nonconforming commercial or industrial buildings, provided that the new occupancy use is no more intense (with intensity being measured by traffic and noise generation, parking requirements, and similar factors) than the existing. Requests for such changes and/or additions in nonconforming occupancies uses shall be processed as applications for a special use permit.

4. A nonconforming building may be replaced as long as the degree of nonconformity is not in any way increased and if the replacement is started within 12 months and completed within 18 months. Requests for nonconforming uses within conforming buildings will be processed as applications for a special use permit.

5. There shall be no expansion of outdoor storage and materials handling areas, solid waste storage or handling areas, or parking areas with more than four spaces that have nonconforming buffers except where required buffers are provided for the entire area.

6. No permit shall be issued for the placement or erection of a new conforming sign on any lot or parcel on which there is a nonconforming sign.

7. A manufactured home (as defined in XI.GG. pg. 79) may be placed on any lot that complied, in full, with the terms of Ordinance #473-84. Ordinance #473-84 is repealed by the adoption of this ordinance, but, prior to the effective date of this ordinance, the administrator shall prepare, and the council shall by resolution accept, a map showing all lots to which this provision applies. Note that all relevant requirements of this ordinance (setbacks, lot size, etc.) shall apply to the placement of a manufactured home permitted by this provision.

8. Non-Conforming Lots or Parcels

a) Non-conforming lots or parcels created prior to the adoption of this code shall be considered legal non-conforming unless otherwise specified by this code.

b) A non-conforming lot or parcel, as defined by this code, shall be entitled to the same development rights such as a conforming lot or parcel would otherwise have.

c) Lots of record that were created without city approval or a permit prior to the date of adoption of this code shall be considered legal non-conforming unless otherwise specified by this code.

d) New development of non-conforming lots or parcels created prior to the adoption of this code shall meet access, setback, building height, lot coverage, building size and all other applicable performance requirements of the zone in which the property is located.

e) Established lots or parcels may become non-conforming as a result in changes in zoning, but non-conforming lots or parcels shall not be created by record of survey, conveyance, deed, aggregation, subdivision, lot split, lot line adjustment, amended subdivision plat, the granting of a variance, special use permit, conditional use permit, development permits or other mechanism without a permit or unless otherwise allowed by this code.

- f) No lot, parcel or lot line shall be created that results in an established building or structure on a lot or parcel that does not meet the minimum setback requirements and applicable performance standards of this code, results in an established building or structure on a lot line separating lots or parcels, results in a lot line or parcel extending into or through a public right-of-way, or otherwise results in the creation of any non-conformity.
- g) Any lot or parcel which contains more than one established single-family dwelling may be divided into separate non-conforming lots or parcels if the residences meet access, setback, building height, lot coverage, building size and all other applicable performance requirements of the zone in which the property is located.
- h) Any lot or parcel which contains an existing duplex (two attached dwelling units that form one structure) may be divided into separate non-conforming lots or parcels if the residences meet access, setback, building height, lot coverage, building size and all other applicable performance requirements of the zone in which the property is located, and if the structure meets all applicable International Building Code and Uniform Fire Code Standards.
- i) All lots or parcels or portions thereof that extend into a city public right-of-way, that were not created by a street vacation or permit process, and were created by deed or other mechanism that did not otherwise involve city participation or a permit prior to the date of adoption of this code shall, upon initiation of due process and negotiation by the city, be subject to re-acquisition by the city on a case by case basis.
- j) Adjustments to non-conforming lots or parcels shall not result in a greater non-conformity or render conforming lots non-conforming; unless
- k) A reduction in size of a non-conforming lot or parcel may be approved if it contributes to bring an adjacent non-conforming lot or parcel closer to conformance.

G. Relationship to Other Laws. When future city ordinances, or state or federal law, impose additional standards on the activities regulated by this ordinance, the most restrictive standard shall govern.

H. Impact on Private Agreements. This ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those of this ordinance, the ordinance shall govern.

I. Burden of Proof. The burden of proof shall, in all proceedings pursuant to this ordinance, rest with the developer.

J. Interpretation. All ordinance provisions shall be interpreted as being the minimum requirements necessary to protect the public health, safety, and general welfare and to implement the Local Planning Act and the comprehensive plan. This ordinance is designed to be consistent with the comprehensive plan and should be liberally construed to achieve the plan's purposes and intent.

K. Severability. If any provision of this ordinance is held to be invalid by any court, the remainder shall continue in full force.

CHAPTER II - PLANNING AND ZONING COMMISSION AND ZONING ADMINISTRATOR

A. What This Chapter Does. This chapter establishes a city planning and zoning commission and provides for the appointment of a zoning administrator.

B. Planning and Zoning Commission. A planning and zoning commission is established, as authorized by I.C. 67-6504.

1. The commission shall consist of no less than three and as many as nine members appointed by the mayor and confirmed by majority vote of the council.
2. As required by I.C. 67-6504(a), all commission members shall have resided in Lemhi County, Idaho for at least two years prior to their appointment.
3. At least one, and as many as three, members of the commission shall reside within the area of city impact, but at no time shall a majority of members live outside the city.
4. Commission members shall serve terms of three years, except those members initially appointed, who shall serve terms, as set by lottery, of one, two, and three years, in order to provide for annual appointment of at least one member.

C. Duties of Commission. The commission shall, as required by I.C. 67-6508, "conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan" for the city and area of city impact. The commission shall exercise all powers granted to it by the Local Planning Act and fulfill all duties required by this ordinance.

D. Zoning Administrator. The mayor shall, subject to confirmation by a majority vote of the council, appoint an administrator, who shall have the following duties: 1. Assist the public in understanding the requirements of this ordinance; 2. Accept applications for permits required by this ordinance (the administrator may delay consideration of any application when inclement weather or snow cover prevents a proper on-site inspection); 3. Review building permit and lot split applications for compliance with this ordinance; 4. Arrange for professional review of subdivision and special use permit applications, as necessary; 5. Prepare the commission's agenda, scheduling hearings and other matters so as to limit meetings to reasonable lengths, while still providing timely processing of applications; 6. Issue certificates of compliance, based on on-site inspections; 7. Investigate possible violations of this ordinance; 8. Properly account for all fees collected in the administration of this ordinance and prepare monthly and annual reports of building activity; and 9. Perform all other duties assigned by this ordinance. The administrator may delegate the duties assigned above to city employees under his or her supervision.

E. Liability. No individual, including council and commission members and the administrator or other city employees, who acts in good faith and without malice in the performance of duties assigned by this ordinance shall be held liable for errors or omissions in its administration. A suit brought against such an individual shall be defended by the city and any judgment resulting from such a suit shall be the liability of the city.

CHAPTER III - ADMINISTRATIVE PROCEDURES

A. What This Chapter Does. This chapter requires a permit for all land development and building activity in the city and establishes procedures for the administration of this ordinance, including the procedures for processing permit application required by I.C. 67-6519 and the hearing procedure required by I.C. 67-6534.

Division 1 - Permit Procedures

B. Permit Required. A permit shall be required for any division of land, grading, construction, reconstruction, or any land development or building activity, except as specifically exempted by III.C. Applications for permits shall be processed as described in this chapter.

C. Exemptions. Activities listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. No permit shall be required for:

1. Lot line adjustments, in which no new lot is created, but property lines are adjusted in compliance with VI.M.3 (pg. 44)
2. Excavation or grading shall be governed by the Building Code.
3. Remodeling that does not alter the exterior dimensions of the building involved.
4. Accessory buildings that are also exempted from review by the Building Code, except where such accessory buildings or outbuildings are located within a special flood hazard area.
5. Fences of six feet or less in height (all fences must be in compliance with VI.C. and VI.F. pgs. 40 & 41).
6. Minor utility installations, except where such installations are in a special flood hazard areas.
7. Certain signs, as provided in X.E.(pg. 64)
8. Note that the Building Code may require a building permit for some activities exempted by this ordinance.
9. Municipal services and facilities on City owned land.

D. Application Forms. Applications shall be submitted on forms provided by the city. Multiple copies of applications and supporting materials, including a site plan, may be required by the administrator. No incomplete application shall be accepted.

E. Application Fees. Application fees for each type of permit established by this ordinance shall be established by resolution of the council.

F. Lot Split Permits. The lot split permit procedure is designed to assure that the creation of new parcels of land does not result in violation of this ordinance or unnecessary applications for variances. City review of proposed lot splits also helps protect utility easements and street rights-of-way from encroachment and consumers from purchasing inaccurately described property. Applications for lot split permits shall follow the procedure described here.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.
2. The administrator shall determine whether the proposed lot split is in compliance with the comprehensive plan and this ordinance. If he/she finds that the proposed lot split complies, the application for a permit shall be approved. If he/she finds that the proposed lot split does not comply, the application for a permit shall be disapproved. Conditions may be attached to approval of the permit, as provided in III.J. (pg. 14)
3. The administrator shall notify the developer of the decision within 10 days, except as provided in III.F.4.
4. The administrator may refer any lot split application to the commission for confirmation of its compliance or lack of compliance with the comprehensive plan and this ordinance. All such referrals shall be placed on the agenda of the next regular commission meeting.
5. The administrator's decision may be appealed to the council using the appeals procedure of III.N. (pg. 16-17). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 10 days after notice of the decision being appealed is received. Developers proceed at their own risk during the appeal period.
6. Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created.

G. Subdivision Permits. The subdivision permit procedure is designed to assure that land development is accompanied by installation of the necessary on-site public facilities and that it is compatible with the neighboring land uses, the landscape setting, and the capacity of off-site public facilities and services. City review of subdivisions helps protect utility easements and road rights-of-way from encroachment and protects consumers from purchasing inaccurately described property. Applications for subdivision permits shall follow the procedure described here.

1. The developer shall file a request for a sketch plan review with the administrator.
2. The administrator shall place the sketch plan review on the agenda of the next regular commission meeting which will allow sufficient time for its proper consideration.
3. The commission shall review the sketch plan. Sketch plan review is not a regulatory proceeding, but an opportunity for the commission to be made aware of the proposal, and for the applicant to be made aware of possible questions and applicable requirements of this ordinance.
4. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.
5. The administrator shall place a hearing on the application on the agenda of the next regular commission meeting for which the notice requirements of III.G.7. can be met and which will allow sufficient time for its proper consideration of the proposed subdivision.
6. The Commission may contract with a landscape architect or planner for professional review of the application, with the cost of that review being covered by the application fee. Such reviews shall be prepared in the form of a written report submitted to the Commission for use at the hearing. The Commission shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.
7. The administrator shall provide notice of the hearing, as follows:
 - a. By certified mail: to all adjoining property owners and all owners of property within 300 feet of the site at least 15 days before the hearing, except as provided in III.G.7.d.
 - b. By newspaper publication: one legal notice in the official newspaper, appearing at least 15 days prior to the hearing; and
 - c. By first class mail: to other media and interested agencies on a list maintained by the administrator.
 - d. Where more than 200 certified mail notices would be required, the administrator may limit certified mail notice to adjoining property owners, while still providing all other required forms of notice.
 - e. All notices shall comply with the requirements of III.K. (pg. 16)
 - f. The actual costs of providing the required notice shall be added to the application fee required by III.E. (pg. 9)

8. The commission shall conduct a hearing on the proposed subdivision following the procedure established in III.P. (pg. 18). No application for a subdivision shall be reviewed if the developer or a representative is not present.
9. The commission shall determine whether the proposed subdivision is in compliance with the comprehensive plan and all requirements of this ordinance. If it finds that the proposed subdivision complies, it shall approve the application. If it finds that the proposed subdivision is not in compliance, it shall disapprove the application. Conditions may be attached to approval of the permit, as provided in III.J. (pg. 14)
10. The administrator shall notify the developer and interested parties of the commission's decision within 10 days.
11. The commission's decision may be appealed to the council using the appeals procedure of III.N. (pg. 16-17). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 10 days after notice of the decision being appealed is received. Developers proceed at their own risk during the appeal period.
12. The developer may file a final plat with the administrator at any time after the subdivision permit is approved. Phased final platting is permitted by IX.E., et. seq. (pg. 53)
13. The administrator shall place the final plat on the agenda of the next regular commission meeting which will allow sufficient time for it's proper review of the proposed final plat.
14. No public notice or public hearing is required for final plats, but no final plat shall be reviewed if the developer or a representative is not present.
15. The commission shall review the final plat and determine whether it is in compliance with the subdivision permit, the comprehensive plan, and this ordinance. If it finds that the final plat complies, it shall approve that plat. If it finds that the final plat is not in compliance, it shall disapprove that plat. Conditions may be attached to approval of a final plat, as provided in III.J. (pg. 14)
16. If the commission approves the final plat, the administrator shall place it on the agenda of the next regular council meeting. Commission disapproval of a final plat may be appealed to the council using the appeals procedure of III.N. (pg. 16-17). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 10 days after notice of the decision being appealed is received.
17. The council shall determine whether the final plat is in compliance with the subdivision permit, the comprehensive plan, and this ordinance. If it finds that the final plat complies, it shall approve that plat. If it finds that the final plat is not in compliance, it shall disapprove that plat. Conditions may be attached to the council approval of a final plat, as provided in III.J.(pg. 14)

18. The administrator shall notify the developer and interested parties of the council's decision within 10 days.

19. Approval of a subdivision permit or plat does not constitute or imply approval of a permit for any prospective use of any lot created.

H. Building Permits. The purpose of the building permit procedure is to assure that routine land development and building activity complies with this ordinance. Applications for building permits shall follow the procedure described here.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

2. The administrator shall determine whether the proposed building or use is in compliance with the comprehensive plan, this ordinance, and the UBC. If he/she finds that the proposed building or use complies, the application for a permit shall be approved. If he/she finds that the proposed building or use does not comply, the application for a permit shall be disapproved.

3. The administrator shall notify the developer of the decision within 10 days, except as provided in III.H.4.

4. The administrator may refer any building permit application to the commission for confirmation of its compliance or lack of compliance with the comprehensive plan and this ordinance. All such referrals shall be placed on the agenda of the next regular commission meeting.

5. The administrator's decision may be appealed to the council using the appeals procedure of III.N. (on page 16) Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 10 days after notice of the decision being appealed is received. Developers proceed at their own risk during the appeal period.

I. Special Use Permits. The purpose of the special use permit procedure is to implement the comprehensive plan by requiring intensive public review of certain higher density residential, commercial, and industrial developments, and by requiring that such developments comply with performance standards designed to assure their compatibility with neighboring uses, the landscape setting, and the capacity of public facilities and services. Applications for special use permits shall follow the procedure described here.

1. The developer shall file a request for a sketch plan review with the administrator.

2. The administrator shall place the sketch plan review on the agenda of the next regular council meeting.

3. The commission shall conduct a sketch plan review. Sketch plan review is not a regulatory proceeding, but an optional opportunity for the commission to be made aware of the proposal, and for the applicant to be made aware of possible questions and the requirements of this ordinance.
4. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.
5. The administrator shall place a hearing on the application on the agenda of the next regular commission meeting for which the notice requirements of III.I.7. can be met and which will allow sufficient time for its proper consideration of the proposed special use.
6. The Commission may contract with a landscape architect or planner for professional review of the application, with the cost of that review being covered by the application fee. Such reviews shall be prepared in the form of a written report submitted to the Commission for use at the hearing. The Commission shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.
7. The administrator shall provide notice of the hearing, as follows:
 - a. By certified mail: to all adjoining property owners and all owners of property within 300 feet of the site at least 15 days before the hearing, except as provided in III. I.7.d.
 - b. By newspaper publication: one legal notice in the official newspaper, appearing at least 15 days prior to the hearing.
 - c. By first class mail: to other media and interested agencies on a list maintained by the administrator. The developer shall not be liable for non receipt of these notices.
 - d. Where more than 200 certified mail notices would be required, the administrator may limit certified mail notice to adjoining property owners, while still providing all other required forms of notice.
 - e. At least seven days before the hearing a sign conveying the required notice shall be placed on the site. Such signs shall be prominently visible from the nearest public street.
 - f. All notices shall comply with the requirements of III.L. (pg. 16)
 - g. The actual costs of providing the required notice shall be added to the application fee required by III.E. (pg. 9)

8. The commission shall conduct a hearing on the proposed special use following the procedure established in III.P. (pg. 18). No application for a special use shall be reviewed if the developer or a representative is not present.

9. The commission shall determine whether the proposed special use is in compliance with the comprehensive plan and this ordinance. If it finds that the proposed special use complies, it shall approve the application. If it finds that the proposed special use is not in compliance, it shall disapprove the application. Conditions may be attached to the approval of the permit, as provided in III.J. (pg. 14)

10. The administrator shall notify the developer and interested parties of the commission's decision within 10 days.

11. The commission's decision may be appealed to the council using the appeals procedure of III.N. (pg. 16-17). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 10 days after notice of the decision being appealed is received. Developers proceed at their own risk during the appeal period.

J. Conditional Use Permits. The purpose of the conditional use permit procedure is to implement the comprehensive plan by requiring intensive public review of certain higher density residential, commercial, and industrial developments, and by requiring that such developments comply with performance standards designed to assure their compatibility with neighboring uses, the landscape setting and the capacity of public facilities and services. Applications for conditional use permits shall follow the procedure described here.

1. The developer shall file a request for a sketch plan review with the administrator.

2. The administrator shall place the sketch plan review on the agenda of the next regular commission meeting at which time will allow proper consideration of the proposed sketch plan.

3. The commission shall conduct a sketch plan review. Sketch plan review is not a regulatory proceeding, but an optional opportunity for the commission to be made aware of the proposal, and for the applicant to be made aware of possible questions and the requirements of this ordinance.

4. The developer shall file a properly completed application form, the required supporting materials and the required application fee with the administrator.

5. The administrator shall place a hearing on the application on the agenda of the next regular commission meeting for which the notice requirements of III.J.7 can be met and which will allow sufficient time for its proper consideration of the proposed conditional use.

6. The commission may contract with a landscape architect or planner for professional review of the application, with the cost of that review being covered by the application fee. Such reviews shall be

prepared in the form of a written report submitted to the commission for use at the hearing. The commission shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.

7. The administrator shall provide notice of the hearing as follows:

- a. By certificate of mailing to all adjoining property owners and all owners of property within 300 feet of the site at least 15 days before the hearing, except as provided in III.I.7.d.
- b. By newspaper publication; one legal notice in the official newspaper, appearing at least 15 days prior to the hearing.
- c. By first class mail; to other media and interested agencies on a list maintained by the administrator. The developer shall not be liable for non receipt of these notices.
- d. Where more than 200 certificates of mailing notices would be required, the administrator may limit certified mail notice to adjoining property owners, while still providing all other required forms of notice.
- e. At least seven days before the hearing a sign conveying the required notice shall be placed on the site. Such signs shall be prominently visible from the nearest public street.
- f. All notices shall comply with the requirements of III.L. (pg. 16).
- g. The actual costs of providing the required notice shall be added to the application fee required by III.E. (pg. 9).

8. The commission shall conduct a hearing on the proposed conditional use following the procedure established in III.P. (pg. 18-19). No application for a conditional use shall be reviewed if the developer or a representative is not present.

9. The commission shall determine whether the proposed conditional use is in compliance with the comprehensive plan and this ordinance, and

- a. It is consistent with the intent of the Development Code;
- b. The use is not detrimental to the health, safety, comfort, and general welfare of persons residing or working in the neighborhood, or the general welfare of the city; and
- c. It is issued for a specified term.
- d. A Conditional Use Permit is issued to and remains with the permittee and is not transferable.

If it finds that the proposed conditional use complies, it shall approve the application. If it finds that the proposed conditional use is not in compliance, it shall disapprove the application. Conditions may be attached to the approval of the permit, as provided in III.K. (pg. 16).

10. The administrator shall forward the commission's decision to the developer and City Council. The City Council will then hold a public hearing as set forth in this section for a final decision.

K. Conditions. Conditions may be imposed on any lot split, subdivision, special use permit, conditional use permit, approval, or variance, if:

1. The conditions are clearly designed to assure compliance with one or more specific requirements of this ordinance; and
2. A list of all conditions imposed is provided to the developer with notification of the commission's or council's decision. That list shall specifically identify the provision of this ordinance the condition is designed to implement.

L. Hearing Notices. All required notices shall provide the following information (for model notices see Appendix B on page 97): 1. The name and mailing address of the developer; 2. A legal description of the development site; 3. The address of the development site, or another general description by which the public can identify the site; 4. The present land use at the site; 5. The proposed use and, for subdivisions, the proposed number of lots and average proposed lot size; 6. The body (commission or council) that will conduct the hearing; 7. The date, time, and place of the hearing; 8. A statement of the availability of application materials for public review, and 9. A statement that "PUBLIC COMMENT IS ENCOURAGED".

1. Whenever notice of public hearing is required mailing will be by certified mail. When an alternate form of notifying is used it shall be by notice in the Recorder Herald and notice will be published two times.

M. Approvals Valid for 180 Days. Permits shall be valid for 180 days from the date of approval, unless extended by a development agreement, as provided in IX.E. (pg. 54).

Division 2 - Appeals and Variances

N. Appeals. Any decision of the administrator or commission may be appealed to the council using the procedure described here.

1. The appellant shall file a properly completed appeals form, the required supporting materials, and the required appeals fee with the administrator.
2. The administrator shall place a hearing on the appeal on the agenda of the next regular council meeting for which the notice requirements can be met. Notice requirements for an appeal shall be

the same as for the permit application. The cost of providing the required notice shall be borne by the appellants.

3. The council shall conduct a hearing on the appeal following the procedure established in III.P. (pg. 18-19). No appeal shall be heard if the appellant or a representative and, when the appellant is not the developer, the developer or a representative is not present.
4. The council shall determine whether the decision being appealed is in compliance with the comprehensive plan and this ordinance, and affirm, modify, or overturn that decision accordingly.
5. The administrator shall notify the appellant and interested parties of the council's decision within 10 days.

O. Variances. Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this ordinance is strictly enforced. Applications for variances shall follow the procedure described here.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.
2. The administrator shall place a hearing on the variance on the agenda of the next regular commission meeting for which the notice requirements can be met. Notice requirements for a variance shall be the same as for a subdivision.
3. The commission shall conduct a hearing on the proposed variance following the procedure established in III.P. (pg. 18-19) No application for a variance shall be reviewed if the developer or a representative is not present.
4. The commission shall approve a variance only upon finding that:
 - a. The need for a variance results from physical limitations unique to the lot on which the variance is requested;
 - b. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot is possible without a variance;
 - c. The alleged hardship has not been created by action of the lot's owner or occupants;
 - d. Approval of the variance will not create a nuisance or result in potential harm to adjoining properties or the neighborhood;

- e. Approval of the variance will not have an adverse affect on the implementation of the comprehensive plan, and
 - f. The variance is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use.
 - g. Additional findings are required for variances in the Floodplain and Open Space Overlay Zoning District: see Appendix A (pg. 92).
5. Conditions may be attached to the approval of a variance, as provided in III.J. (pg. 14-15)
 6. The administrator shall notify the developer and interested parties of the commission's decision within 10 days.
 7. The commission's decision may be appealed to the council using the appeals procedure of III.N. (pg. 16-17). Any person wishing to appeal a decision shall file a notice of appeal with the administrator within 10 days after notice of the decision being appealed is received. Developers proceed at their own risk during the appeal period.

Division 3 - Hearing Procedure

P. Hearing Procedure. This procedure shall be followed in all hearings.

1. The presiding officer shall announce the purpose and subject of the hearing.
2. The presiding officer shall determine whether proper notice of the hearing has been provided. That determination shall be based on the submission of affidavits of publication and posting and certified mail receipts showing full compliance with the notice requirements of this ordinance. If proper notice has not been provided, the hearing shall be re-scheduled.
3. The presiding officer shall determine whether the application form required by this ordinance is complete and includes all required supporting materials. If the application is not complete, the hearing shall be re-scheduled.
4. The presiding officer shall ask if any commission member wishes to declare a conflict of interest, as defined by I.C. 67-6506, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing.
5. The presiding officer shall ask the administrator to present a report on the proposal being considered.

6. The presiding officer shall direct questions from commission members to the administrator. Questions asked at this time shall be solely for the purpose of clarifying the location and nature of the proposed development.

7. The presiding officer shall remind those present that all statements given must address the merits of the proposed development as measured by its compliance or lack of compliance with the comprehensive plan and this ordinance.

8. The presiding officer shall ask for a statement from the developer or his or her representative. Commission members may ask questions following this statement. All questions and replies shall be directed through the presiding officer.

9. Following the developer's statement, the presiding officer shall ask for statements from the public. Persons giving statements shall begin by stating their name and mailing address. Commission members may ask questions following any statement. All questions and replies shall be directed through the presiding officer.

10. When all statements have been given, the presiding officer shall ask if any person who gave a statement wishes to speak in rebuttal to other statements or to clarify their statement. Neither new statements nor the introduction of new evidence shall be permitted at this time. Questions from commission members may follow each rebuttal or clarification.

11. The presiding officer shall close the public hearing and call for discussion and action by the commission.

12. Written statements, plans, drawings, photographs, or other materials offered in support of statements at a hearing are part of that hearing's record and shall be retained by the city. Supporting materials shall be left with the administrator after each statement is made.

Q. Additional Hearing Procedures. These procedures may be used without prior notice to assist in the conduct of large or controversial hearings.

1. The commission may impose time limits on the statements given in order to assure completion of the agenda.

2. The commission may require persons who wish to make a statement to register their intention to do so with the administrator before the hearing. The presiding officer shall use the register to call on persons to present their statements.

R. Hearings To Be Taped. As required by I.C. 67-6536, the administrator shall keep a transcribable tape record of all hearings on file for at least six months after the final hearing on the development.

S. Decision Record. All decisions of the commission and council shall be reported in the form of findings of fact and conclusions of law, as required by I.C. 67-6535. The completed decision record shall include the application materials and any report prepared by or on contract for the administrator.

T. Decision Deadline. This section establishes the "reasonable time" for deliberation on applications by the commission required by I.C. 67-6519. The commission shall make a decision on any application for a permit within 35 days of the hearing, if a hearing is required by this ordinance, or within 35 days of the meeting at which the application first appeared on the commission agenda, except that: the commission may table any application for which a large scale development study is required by VI.Y. (pg. 48-49) for a period of more than 60 days while the required study is conducted. The maximum time permitted for a large scale development study shall be 120 days.

Division 4 - Enforcement

U. Failure to Obtain a Permit. Whenever the administrator becomes aware of an activity for which a permit is required by this ordinance, but for which a permit has not been approved, he or she shall notify the occupant (and owner, if they are not the same) of the site to immediately cease all unpermitted activity. Notice shall be given by posting on the site and first class mail. If activity does not cease, the administrator shall ask the city attorney to take prompt action, as authorized by I.C. 67-6527, to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition. Required restoration shall include restoration of vegetative cover where sites have been graded in violation of this ordinance.

V. Certificate of Compliance. A certificate of compliance shall be issued before any building or use is occupied. A certificate of compliance indicates that an on-site inspection has shown that the building or use complies with this ordinance, including any conditions imposed upon its approval. Occupancy of a building or use without a certificate of compliance shall be a violation of this ordinance. The issuance of a certificate of compliance shall not be construed as approval of any violation of this ordinance that may have been undiscovered during the inspection.

W. Temporary Certificate of Compliance. A temporary certificate of compliance may be issued to permit temporary use of a building in cases where weather prevents the prompt completion of such required improvements as landscaping. No temporary certificate of compliance shall be issued for more than 90 days.

X. Enforcement Actions. The process for enforcement of this ordinance shall be as described here.

1. The administrator shall notify the occupant (and owner, if they are not the same) of the violation by first class mail and/or posting on the site. The notice shall describe the violation,

cite the sections of this ordinance being violated, and order the occupant to attain compliance within 30 days.

2. Any person who receives a notice of violation may request inspection by the administrator to show that compliance has been attained within the 30 days allowed, or:

a. File a written request with the administrator for an extension of time to attain compliance, with such extensions being limited to a maximum of 60 days and culminated by an inspection to show that compliance has been attained; or

b. File an appeal of the administrator's notice, following the appeals procedure of III.N. (pg. 16-17)

3. The administrator shall notify any occupant or owner who fails to attain compliance within the specified time, or to show, on appeal, that a violation has not occurred, that the council will hold a hearing to consider legal action on the violation at a specified date, time, and place. This notice shall be posted on the site and sent by first class mail at least 15 days before that hearing, repeat the description of the violation from the original notice, and cite the penalties that may be imposed for violations of this ordinance, as established in III.X. (pg. 20)

4. The council shall hold a hearing to consider action on the violation. The occupant or owner shall be permitted to present evidence that a violation has not occurred. If the council finds that a violation has occurred it may:

a. Specify a time within which compliance shall be attained or the matter automatically pursued by the city attorney; or

b. Direct the city attorney to immediately initiate civil and/or criminal actions to bring the building or use into compliance.

Y. Penalties. Violations of this ordinance shall be a misdemeanor, and shall be punishable by a fine in any amount not exceeding \$300.00, or by imprisonment for a period of not longer than 30 days, or by both fine and imprisonment. Each day in which a violation continues may be considered a separate offense.

Division 5 - Amendments

Z. Amendments. Any person may petition for the amendment of this ordinance. The amendment procedure shall be as described here and in I.C. 67-6511.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

2. The administrator shall place a hearing on the application on the agenda of the next regular commission meeting for which the notice requirements can be met and which will allow sufficient time for its proper consideration of the proposed amendment.
3. The Commission may contract with a planner for professional review of the application, with the cost of that review being covered by the application fee. Such reviews shall be prepared in the form of a written report submitted to the Commission for use at the hearing. The Commission shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.
4. The administrator shall provide notice of the hearing, as follows:
 - a. By certified mail: to all adjoining property owners and all owners of property within 300 feet of the site at least 15 days before the hearing, except as provided in III.Y.4.d..
 - b. By newspaper publication: one legal notice in the official newspaper, appearing at least 15 days prior to the hearing.
 - c. By first class mail: to other media and interested parties on a list maintained by the administrator. The developer shall not be liable for non receipt of these notices.
 - d. Where more than 200 certified mail notices would be required, the administrator may limit certified mail notice to adjoining property owners, while still providing all other required forms of notice.
 - e. At least seven days before the hearing a sign conveying the required notice shall be placed on the site. Such signs shall be prominently visible from the nearest public street.
 - f. All notices shall comply with the requirements of III.L. (pg. 16)
 - g. The actual costs of providing the required notice shall be added to the application fee required by III.E. (pg. 9).
5. The commission shall conduct a hearing on the proposed amendment following the procedure established in III.P. (pg. 18-19). No application for an amendment shall be reviewed if the developer or a representative is not present.
6. The commission shall determine whether the proposed amendment is consistent with the comprehensive plan, and recommend that the council approve or disapprove it accordingly.
7. The administrator shall convey the commission's recommendation to the council in writing and. The Council may place a hearing on the application on the agenda of the next regular council meeting for which the notice requirements can be met if they determine it is necessary

and essential for the good of the public. Notice shall be provided in the same manner as for the hearing before the commission.

8. The Council may conduct a hearing on the proposed amendment following the procedure established in III.P. (pg. 18-19). This hearing shall also constitute the first reading of the ordinance required by I.C. 50-901. No application for an amendment shall be reviewed if the developer or a representative is not present.

9. The council shall determine whether the proposed amendment is consistent with the comprehensive plan and approve or disapprove it accordingly.

10. The administrator shall notify the developer and interested parties of the council's decision within 10 days, but no amendment to this ordinance shall become effective until that amendment has been adopted as an ordinance and published as required by law.

CHAPTER IV - ESTABLISHMENT OF ZONING DISTRICTS AND ADOPTION OF ZONING MAP

A. What This Chapter Does. This chapter creates zoning districts and overlay zoning districts for use in the city and adopts an official map of those districts.

B. Zoning Districts. The following zoning districts are established to implement the comprehensive plan: 1. Agricultural Zoning District, 2. Low Density Residential Zoning District, 3. Medium Density Residential Zoning District, 4. Transitional Zoning District 1, 5. Transitional Zoning District O, 6. Highway Commercial Zoning District, 7. Commercial Core Zoning District 1, 8. Commercial Core Zoning District 2, 9. Industrial Zoning District, and 10. Floodplain and Open Space Overlay Zoning District.

C. Official Zoning Map. The "Official Zoning Map of the City of Salmon" is adopted, by reference, as part of this ordinance. A dated copy of that map, certified to be correct by the signatures of the mayor and city clerk, shall be maintained for public inspection at the office of the administrator.

D. Zoning District Boundaries.

1. Zoning district boundaries shall be as shown on the "Official Zoning Map of the City of Salmon".
2. Any person who disputes the location of a zoning district boundary, as interpreted by the administrator, may request review of the administrator's decision using the appeals procedure of III.N. (pg. 16-17)

ZONING MAP -2002



CHAPTER V - ZONING DISTRICT REGULATIONS

A. What This Chapter Does. This chapter establishes the purpose of each zoning district, lists the uses permitted in each district upon approval of a building permit and lists the uses permitted in each zoning district after public review for compliance with the applicable performance standards and approval of a special use permit. This chapter also establishes specification standards for each zoning district.

B. Prohibited Uses. Any use not explicitly permitted by this ordinance is prohibited unless granted a conditional use by the commission and council.

C. Agricultural Zoning District (A). The A zoning district implements the comprehensive plan by providing a "holding" zone in which continuing agricultural use will be permitted until the area is made available for development by an amendment to the official zoning map. The limited uses permitted and specification standards for the A zoning district appear in Table V.1. (pg. 33). All developments in the A zoning district shall also be subject to the performance standards of this ordinance, as applicable.

D. Low Density Residential Zoning District (LDR). The LDR zoning district implements the comprehensive plan by protecting neighborhoods that are composed predominantly of single family dwellings from the conflicts that would accompany the development of higher intensity residential, commercial, or industrial uses. Small multiple family dwellings will be permitted on larger parcels, but the overall density of development shall not exceed four dwelling units per acre. The uses permitted and specification standards for the LDR zoning district appear in Table V.2. (pg.34). All developments in the LDR zoning district shall also be subject to the performance standards of this ordinance, as applicable.

E. Medium Density Residential Zoning District (MDR). The MDR zoning district implements the comprehensive plan by providing for a diversity of housing types at higher densities than are permitted in the LDR, while still protecting residential neighborhoods from conflict with commercial and industrial uses. The uses permitted and specification standards for the MDR zoning district appear in Table V.3. (pg. 35). All developments in the MDR zoning district shall also be subject to the performance standards of this ordinance, as applicable.

F. Transitional Zoning District 1 (T1). The T1 zoning district implements the comprehensive plan by providing strict control over land use change in areas where a transition from predominantly single family dwellings to higher intensity residential or commercial uses is anticipated. This zoning district is used along the city's arterial streets and in residential areas that adjoin existing commercial or industrial uses. The uses permitted and specification standards for the T1 zoning district appear in Table V.4. (pg. 36). All developments in the T1 zoning district shall also be subject to the performance standards of this ordinance, as applicable. All changes in density or conversions to commercial use in the T1 zoning district require a special use permit.

G. Transitional Zoning District O (TO). The TO zoning district implements the comprehensive plan by providing strict control over land use change in an area of predominantly vacant land where a transition to higher density residential, commercial, or light industrial use is possible, and where some mixture of commercial and light industrial uses may be acceptable. The uses permitted and specification standards for the TO zoning district appear in Table V.5. (pg. 37). All developments in the TO zoning district shall also be subject to the performance standards of this ordinance, as applicable. All changes in density or use in the TO zoning district require a special use permit.

H. Highway Commercial Zoning District (HC). The HC zoning district implements the comprehensive plan by providing areas where commercial uses that require comparatively large land areas may be developed. Some light industrial uses are also permitted (by special use permit) in this zoning district. Performance standards requiring landscaped buffers will help assure that new development in this zoning district avoids a "commercial strip" appearance. The uses permitted and specification standards for the HC zoning district appear in Table V.6. (pg. 38). All developments in the HC zoning district shall also be subject to the performance standards of this ordinance, as applicable.

I. Commercial Core Zoning District 1 (CC1). The CC1 zoning district implements the comprehensive plan by encouraging development of retail and service uses in the center of the city. The uses permitted and specification standards for the CC1 zoning district appear in Table V.7. (pg. 39). All new developments in the CC1 zoning district shall also be subject to the performance standards of this ordinance, as applicable.

J. Commercial Core Zoning District 2 (CC2). The CC2 zoning district includes the city's present central business district. It is characterized by multiple story buildings, 100% lot coverages, and shared parking areas. The CC2 zoning district is identical to the CC1, except that it shall permit 100% lot coverage and shared rather than on-site parking.

K. Industrial Zoning District (I). The I zoning district implements the comprehensive plan by identifying areas where new industrial uses may be located. All new development in the I zoning district requires a special use permit. Minor changes in occupancy in or the expansion of existing industrial uses do not require a special use permit, but shall comply with the specification standards established for the HC zoning district. All developments in the I zoning district shall also be subject to the performance standards of this ordinance, as applicable.

L. Floodplain and Open Space Overlay Zoning District (FOS). The FOS overlay zoning district implements the comprehensive plan by providing for the open space use of the riparian and wetlands areas within the 100 year floodplain, as defined by the Federal Emergency Management Agency. The Detailed Performance Standards of Appendix A (pg. 92) along with the standards for the underlying zoning district and the other applicable performance standards established by the Ordinance, shall guide development in the FOS Zoning District.

M. Setbacks for All Residential Zones

Purpose:

To assure that an adequate open space separates residential and accessory structures from adjacent property to minimize potential fire hazards, provides adequate vision onto public right-of-ways, and assures that structures are located a safe distance from a public right-of-way.

A. Maximum building height:

No point on a building in a residential zone shall exceed 35 feet in height, excluding chimneys, vents, and antennae.

B. Basic residential front, side and rear setback standards:

- a) 25 feet minimum front yard setback for all residences and structures fronting arterial or collector streets unless otherwise allowed by this code.
- b) 25 feet minimum front yard setback for all structures over 30 feet in height along a residential street.
- c) 15 feet minimum front yard setback for all residences fronting residential streets unless otherwise allowed by this code.
- d) 25 feet minimum front yard setback for all attached or detached garages or carports providing primary access to residential, arterial or collector streets unless otherwise allowed by this code.
- e) 15 feet minimum side yard setback for all structures on a corner lot of intersecting residential, arterial and collector streets unless otherwise allowed by this code.
- f) 10 feet minimum side and rear yard setback for all structures unless otherwise allowed by this code.

C. Additional Setbacks

1. Side and rear yard setbacks for residential structures:

- a) 10 foot minimum side and rear yard setback of interior lots.
- b) 15 foot side yard setback on a corner lot of two intersecting residential streets.
- c) 10 feet for the third corner of a lot at the intersections of three intersecting residential streets.
- d) 15 feet minimum side and rear yard setbacks for residences greater than 20 feet in height.
- e) 15 feet minimum side setback the corner of a lot facing arterial or collector streets.

- f) For residences over 30-feet in height, 20 foot minimum side and rear yard setbacks, including side yard setbacks on a corner lot of intersecting residential, arterial and collector streets.
- 2. Side and rear yard setbacks for detached accessory structures:**
- a) 5 foot minimum side and rear yard setback for structures 14 feet or less in height, including structures that face an alley.
 - b) 10 feet minimum side and rear yard setback for structures greater than 14 feet in height, including structures that face an alley.
 - c) 10 foot side yard setback on the corner of a lot at intersecting residential streets.
 - d) 15 feet minimum side setback the corner of a lot facing arterial or collector streets.
 - e) 15 feet minimum side and rear yard setbacks for structures greater than 20 feet in height.
 - f) For structures over 30 feet in height, 20 foot minimum side yard and rear yard setbacks.
 - g) For structures over 30 feet in height on a side or rear yard facing a street, 20 foot setback from the street.
- 3. Side and rear yard setbacks for structures that access an alley:**
- a) 20 foot rear yard setback for attached or detached garages or carports that access an alley from the side or rear yard. **Note:** The 20 foot requirement is to allow parking of a vehicle.
 - b) All structures and development along an alley shall conform to clear vision criteria as required by Chapter VI.C.2 of this code.
- 4. Where the front and rear of a lot borders two or more residential streets, the rear yard setback standards shall apply to all development if the following criteria are met:**
- a) The front and rear of the lot is defined and identified.
 - b) The rear of a new or existing principle building (the rear of the residence) does not have access to the street facing the rear of the residence; and
 - c) Primary access to the residence in located in the front yard; and
 - d) The driveway for primary access to a public street is located in the front yard; and

- e) Where access is proposed to both the front and rear of the property, Section B(a-d) shall apply to both frontages.

D. Eave encroachment:

A three (3) foot encroachment of the eave is permitted into all setbacks.

E. Exemptions and exceptions to setbacks:

- a) Uncovered decks, porches and concrete pads 36 inches or less in height.
- b) Un-enclosed covered steps to a residence that are not part of the indoor living space of the residence.
- c) Architectural features that do not provide indoor floor living space may project up to three (3) feet into front, side and rear yards, specifically; eaves, bay windows and unenclosed porches.
- d) Structural alterations and additions to existing nonconforming buildings may align with the present front yard setback on residential streets.
- e) Structural alterations and additions of no more than 20 percent of the ground floor living space to residences with nonconforming setbacks may align with the present internal side yard or rear yard setback of the existing residence if the residence is 5 feet or more from the property line. Attached garages shall not be used to calculate living space.

F. Non-exempt requirements:

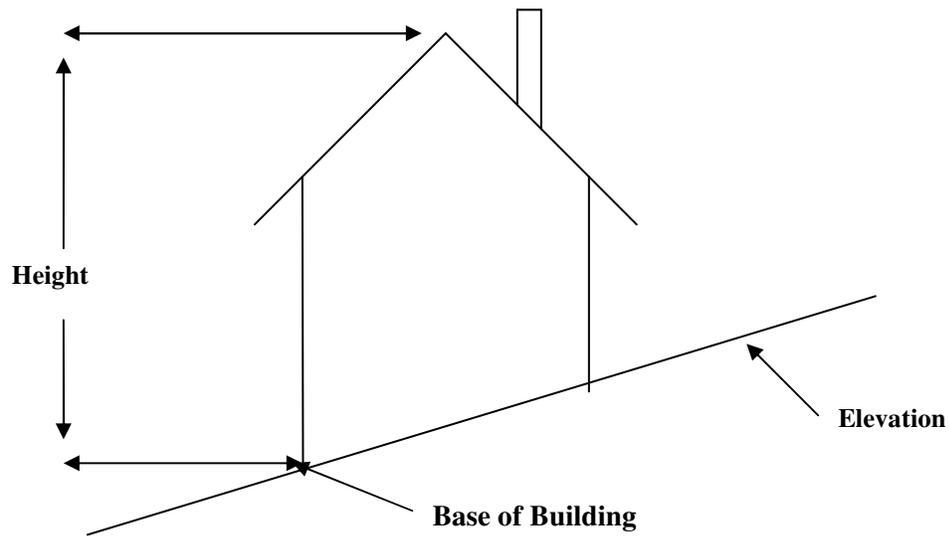
- a) Freestanding or temporary structures shall meet all setback requirements unless otherwise allowed by this code.
- b) Structures that do not require a building permit shall meet all setback requirements unless otherwise allowed by this code.
- c) Structural separation of buildings shall conform to the requirements of the International Building Code and Uniform Fire Code.
- d) All structures and development shall conform to clear vision criteria as required by Chapter V.I.C.2 of this code.

G. Definitions:

Base of a building – Contact between the lowest foundation or wall of a building and the lowest natural elevation of undisturbed ground surface of a lot at the contact.

Building height - The vertical distance from the base of a building to the highest point of a

building. Building height excludes chimneys, vents and antennae.



Garage – For the purpose of this section, a garage is an attached or detached building designed and used for indoor vehicle parking or storage, other than living space, and is clearly subordinate to the principle structure or residence.

Residence – For the purpose of this section, the living space area used for cooking, dining, sleeping, shelter and habitation.

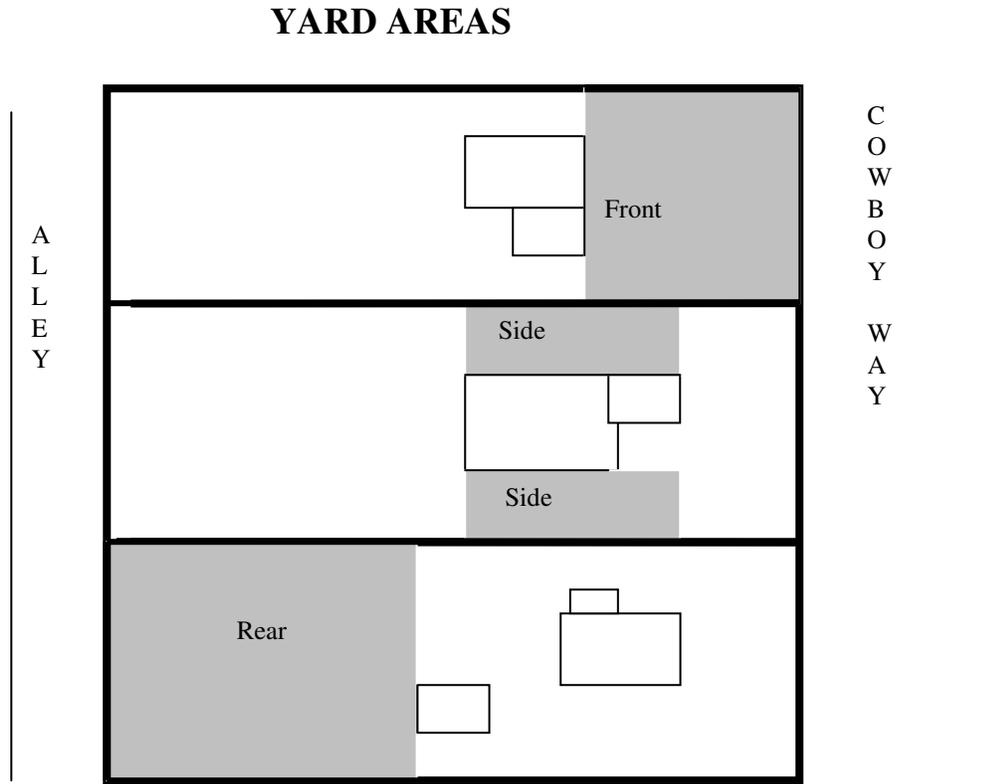
Setback. The distance between the property line and the outer wall of the building on the same lot.

Yard - An open unoccupied space, other than a court, unobstructed from the ground to the sky, between a lot line and building line.

Yard, front – A yard extending the full width of the front of a lot between the front (street) right-of-way line and the front building line.

Yard, rear – A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, side – A yard extending the full length of the lot in the area between a side lot line and a side building line.



The detailed performance standards of Appendix A (pg. 92) along with the standards for the underlying zoning district and the other applicable performance standards established by the ordinance, shall guide development in the FOS zoning district.

TABLE V.1. -- AGRICULTURAL (A) ZONING DISTRICT

<i>Permitted Uses</i>	<i>Special Uses</i>
agriculture	public outdoor recreation facilities
home occupations in existing dwellings as provided in Appendix C pg. 101	
expansion or replacement of existing dwellings	
accessory uses and buildings for existing dwellings	
minor utility installations	
<i>specification standards</i>	No new development will be permitted without a zoning change. Where an existing dwelling is replaced or expanded, it shall conform to the specification standards for the LDR.
Buffering	When Necessary or Required
Landscaping	5%

**TABLE V.2. -- LOW DENSITY RESIDENTIAL (LDR)
ZONING DISTRICT**

<i>Permitted Uses</i>	<i>Special Uses</i>
single family dwellings at least 18 feet in width	higher density residential uses, up to four units on larger parcels
accessory uses and buildings, including one accessory apartment for each single family dwelling	churches and public facilities, including elementary schools
keeping of livestock, as provided in VI.H.	public outdoor recreation facilities
minor utility installations	single family dwellings of less than 18 feet in width
two family dwellings	
<i>specification standards</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	7,500 square feet for single family dwellings, 10,000 square feet for higher density residential
maximum density of higher density residential uses	4 dwelling units per acre,
minimum lot frontage, at the front setback line (applies to one frontage only on corner lots)	60 feet for single family dwellings, 80 feet for two family dwelling, and 100 feet for higher density residential
minimum front yard setback	See Chapter V.M.
minimum rear yard setback and minimum side yard setback	See Chapter V.M.
maximum building height	See Chapter V.M.
maximum lot coverage	35%
Buffering	When Necessary or Required
Landscaping	5%

**TABLE V.3. -- MEDIUM DENSITY RESIDENTIAL (MDR)
ZONING DISTRICT**

<i>Permitted Uses</i>	<i>Special Uses</i>
single family dwellings	higher density residential uses
two family dwellings	manufactured home parks, as provided in Chapter VIII.
accessory uses and buildings, including one accessory apartment for each single family dwelling	churches and public facilities, including elementary schools
keeping of livestock, as provided in VI.H.	public recreation facilities
minor utility installations	
<i>specification standards</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	6,500 square feet for single family, 8,000 square feet for two family, 9,000 square feet for higher density residential
maximum density of higher density residential uses	8 dwelling units per acre,
minimum lot frontage, at the front setback line (applies to one frontage only on corner lots)	50 feet for single family, 70 feet for two family, 100 feet for higher density residential
minimum front yard setback	See Chapter V.M.
minimum rear yard setback and minimum side yard setback	See Chapter V.M.
maximum building height	See Chapter V.M.
maximum lot coverage	35%
Buffering	When Necessary or Required
Landscaping	5%

TABLE V.4. -- TRANSITIONAL 1 (T1) ZONING DISTRICT

<i>Permitted Uses</i>	<i>Special Uses</i>
single family dwellings	higher density residential uses
duplexes	churches and public facilities, including schools
accessory uses and buildings, including one accessory apartment for each single family dwelling	public recreation facilities
minor changes of occupancy in existing uses	retail and service commercial uses, as provided in VI.V.
minor utility installations	
<i>specification standards</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	6,500 square feet for single family or retail or service commercial uses authorized by special use permit; 8,000 square feet for two family, 9,000 square feet for higher density residential
maximum density of higher density residential uses	8 dwelling units per acre
minimum lot frontage, at the front setback line	60 feet for single family, 80 feet for two family, 100 feet for higher density residential
minimum front yard setback	25 feet Exception: (pg. 80, N.N. Setback)
minimum rear yard setback	15 feet
minimum side yard setback	2.5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
maximum lot coverage	50%
Buffering	When Necessary or Required
Landscaping	5%

TABLE V.5. -- TRANSITIONAL O (TO) ZONING DISTRICT

<i>Permitted Uses</i>	<i>Special Uses</i>
minor changes of occupancy in existing uses	higher density residential uses
accessory uses and buildings	churches and public facilities, including schools
minor utility installations	public recreation facilities
	any commercial or industrial use, as provided in VI.W.
<i>specification standards</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
maximum density of higher density residential uses	8 dwelling units per acre
minimum front yard setback	25 feet, 30 feet on arterial or collector streets Exception: (pg. 80, N.N. Setback)
minimum setback along boundary of TO zoning district	see VI.Q.
maximum building height	35 feet
maximum lot coverage	50%
Buffering	When Necessary or Required
Landscaping	5%

**TABLE V.6. -- HIGHWAY COMMERCIAL (HC)
ZONING DISTRICT**

<i>Permitted Uses</i>	<i>Special Uses</i>
all commercial uses	new industrial uses, as provided by VI.X.
minor changes of occupancy in existing industrial uses	churches and schools
accessory uses or buildings, including one residence on each commercial lot or parcel	public recreation facilities
minor utility installations	
<i>specification standards</i>	The special uses are subject to these standards only where the special use performance standards are not more restrictive. These standards apply primarily to the permitted expansion of existing commercial uses.
minimum front yard setback	25 feet Exception: (pg. 80, N.N. Setback)
minimum setback along boundary of HC zoning district	see VI.Q.
maximum building height	35 feet
maximum lot coverage	80%
Buffering	When Necessary or Required
Landscaping	5%

TABLE V.7. -- COMMERCIAL CORE ZONING DISTRICT 1

<i>Permitted Uses</i>	<i>Special Uses</i>
all commercial uses	
residential development or re-development of upper stories	
churches and schools	
public recreation facilities	
accessory uses and buildings	
minor utility installations	
<i>specification standards</i>	
minimum setbacks	See VI.C. and VI.Q.
maximum building height	65 feet
maximum lot coverage	80%
Buffering	When Necessary or Required
Landscaping	5%

CHAPTER VI - PERFORMANCE STANDARDS

A. What This Chapter Does. This chapter establishes performance standards for land and building development activity in the city. Certain performance standards apply to all new developments, while others apply only to developments for which a special use permit is required.

B. Continuing Compliance Required. All developments shall demonstrate continuing compliance with the applicable performance standards.

Division 1 - Performance Standards Applicable to All Developments

C. Access to Public Streets. All development and all lots or parcels within a development shall have safe direct access to a dedicated public street that meets the standards of this ordinance. Provision of access, including street extensions, shall be the responsibility of the developer.

1. All access driveways, including residential driveways, shall comply with the standards for access driveways found in Appendices D & E.(pg. 102 & 107)
2. A clear vision triangle of 20 feet down each street shall be maintained at all street intersections and points of access to a public street.
 - a. No new solid fence or wall, planter, hedge, shrub, or other visual obstruction more than three feet in height above grade shall be permitted within a clear vision triangle.
 - b. No parking shall be permitted in a clear vision triangle.
 - c. Trees shall be permitted in clear vision triangles, but only if all branches are removed to a height of at least seven feet above grade.

D. Buffers for Permitted Uses. The performance standards for landscaped buffers for both permitted and special uses appear in VI.Q. (pg. 45)

E. Easements. No building shall be placed in any utility easement, public or private. Only wire or rail fences, or solid wood fences with a separable section across the easement may be constructed across utility easements. Note that private utilities may impose even more restrictive requirements on fences crossing their easements.

F. Fences. Purpose:

To assure that the construction of fencing does not create hazards caused by fences obstructing vision to a public right-of-way contributing to traffic accidents, and to assure that the location of new fences do not project into a public right of way or onto neighboring private property.

Definition:

Fence - A vertical structure providing separation between yard spaces.

Security Fence – A fence constructed in conjunction with commercial or industrial uses for the safe storage of materials and equipment, or sight vision buffering from neighboring uses.

Sight obscuring fence – A fence that consists of solid walls, slats, boards, lattice, or material of any kind that obstructs a clear field of vision to the opposite side of the fence. Hurricane fences, wire fences or similar structures are considered non-sight obscuring.

Criteria:

1. At the option of the property owner, perimeter fencing of all types may require site evaluation prior to construction unless located in an agricultural zone. No fee for this service is required.
2. A building permit may be required if specified as a condition of approval for a Special Use Permit, Conditional Use Permit, or any other development that requires Planning and Zoning Commission and/or City Council approval, or if required by the Building Official.
3. Security fences in all commercial and industrial zoning districts shall not exceed eight (8) feet in height.
4. Security fencing in conjunction with new commercial and industrial development proposed to exceed height limitations shall be subject to Chapter VI - Performance Standards applicable to Special Use Permits, Conditional Use Permits, or any other development permit that requires Planning and Zoning Commission and/or City Council approval.
5. Fences shall not exceed six (6) feet in height in residential, transitional, commercial and agricultural zoning districts unless otherwise allowed by this code.
6. Total fence height shall be determined from the contact ground level of the fence to its highest point.
7. No sight obscuring fence shall conflict with the site distance requirements of Chapter VI.C.2 – Performance Standards. The construction of fences that obstruct views at intersections or points of access to public roads is prohibited by VI.C.2.
8. Where privacy of existing residences and residential uses may be compromised, a lattice or other sight obstructing material may be added to a new or existing side or rear yard fence to increase the total fence height to 8 feet when the following criteria are met:
 - a. The location of the fence is specific to the affected side or rear yard; and

- b. Where neighboring multi-story residential, commercial or industrial uses creates unobstructed vision into property; or
 - c. Where neighboring residential, commercial or industrial uses or structures are located on a hill slope overlooking the residence; and
 - d. Where neighboring residential, commercial or industrial uses or structures are otherwise demonstrated to compromise the privacy of an existing residence.
9. To protect private property from wildlife, a non-sight obscuring (deer) fence constructed of netting or other non-permanent material may be constructed over 6-feet in height.

G. Hazardous Substances. Any use that is, or may reasonably be expected to be, subject to the reporting requirements the of Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) shall demonstrate continuing compliance with state and federal requirements for the storage and handling of hazardous substances.

H. Livestock. No livestock shall be kept or maintained within an area of less than 6,000 square feet.

- 1. One large animal (one horse, cow, llama, sheep, or goat, including offspring until weaned) may be kept for each 6,000 square feet of lot area. All areas in which livestock are kept shall be maintained so as not to create a nuisance impacting neighboring properties with noise, odors, insects, or dust. The 6,000 feet required per animal shall remain open to the sky, with additional area provided for stables, sheds, and the storage of feed.
- 2. Chickens, geese, rabbits and other small domestic animals are also permitted, but all areas in which any livestock or domestic animals are kept shall be maintained so as not to create a nuisance impacting neighboring properties with noise, odors, insects, or dust. For regulation of kennels see Ordinance #509-87 section 11.

I. Nuisances. All potential nuisances and hazards shall be mitigated by appropriate means.

- 1. No development shall create excessive levels of noise beyond its property line. Excessive noise, as measured at the property line, is any noise that exceeds the standards of Table VI.1.
- 2. No development shall direct light, glare, or heat beyond its property line. Welding equipment and other sources of intense light or glare shall be shielded from the view of neighboring properties or public ways by enclosure in a building, location on the property, or construction of a fence or wall.
- 3. No development shall generate dust, smoke, odors, or other airborne pollutants that travel beyond its property line, except as permitted by state and federal air quality standards.

4. Solid waste shall be stored in enclosures or containers and in such a manner as not to attract rodents or other vermin, be susceptible to spillage by dogs or cats, generate odors beyond the property line or liquid runoff; or permit blowing of paper and other lightweight waste. No solid waste, including construction or demolition debris shall be buried within the city, except where permitted by the UBC as a rubble fill for a construction site.

5. Commercial and industrial solid waste that is not stored in a secure container and commercial and industrial solid waste handling areas (i.e. a recycling center) shall be effectively screened from the public view by enclosure in a building, location on the property, or construction of a fence, wall, or landscaped buffer.

6. No development shall channel storm or melt water runoff so as to adversely affect neighboring properties or public ways.

TABLE VI.1. -- DETAILED PERFORMANCE STANDARDS FOR NOISE

<i>land use category</i>	<i>exterior design noise level - ^{L10}</i>
Residences, motels, meeting rooms, schools, libraries, hospitals, parks, and similar uses	70 dBA
Other developed lands	75 dBa

Notes: ^{L10} means the noise level may be exceeded 10% of the time each day from 7:00 Am. to 7:00 Pm. local time. dBA = decibels. Taken from standards of the Federal Highway Administration.

J. Off-Street Parking and Loading. All uses shall provide the off-street parking and loading areas required by Appendix D (pg. 102).

K. Outdoor Materials Storage.

1. There shall be no outdoor materials storage in front yards within the LDR, MDR, or T1 zoning districts, except the temporary storage of materials required for construction authorized by a building permit issued in accord with this ordinance or the UBC and the storage of firewood that will be used on the site.

2. Outdoor materials storage shall be permitted within side and rear yards in the LDR, MDR, and T1 zoning districts, provided that such storage does not constitute a fire hazard or create a nuisance, and that all materials except those required for construction authorized by a building permit issued in accord with this ordinance or the UBC and firewood shall be stored at least five feet from adjoining property lines.

3. Outdoor materials storage constitutes a nuisance when it generates excessive unpleasant odors at the property line; harbors rats, flies, or other vermin; is stacked or piled so it could fall or roll onto an adjoining property; or places hazardous substances or other highly flammable materials at the property line.

L. Utilities. All developments, and all lots or parcels within a development, shall have direct access to municipal water and sewer utilities. Provision of utilities, including any extension of mains, shall be the responsibility of the developer.

M. Yards. The yards created by required setbacks shall remain unenclosed, except as permitted by this performance standard.

1. Eaves, rain gutters, bay windows, and similar above-grade extensions may extend no more than three feet into a required yard.

2. Accessory buildings shall be permitted in required rear yards where a setback of five feet from all property lines is maintained and in side yards, where the required setback is maintained. No accessory building shall be located in a required front yard. Front and side yards may be used for driveways and parking, (parking includes boats and recreational vehicles that have a current registration), but note that parking shall not be permitted in the clear vision triangles required by VI.C.2. (pg. 40). Side yards may also be used for firewood storage, provided that firewood is stacked no more than six feet above grade.

3. No space required to make up the required yards for any principal building shall be removed from the lot on which that building is sited by sale, lease, or other conveyance.

Division 2 - Performance Standards Applicable to Special Uses

N. Access to Arterial Streets. The number of points of access to arterial streets shall be minimized.

O. Condominiums and Townhouses. Condominiums and townhouses shall be permitted in all residential zoning districts, provided that:

1. The lot on which the development will take place meets the minimum lot size and lot frontage of the zoning district;

2. The maximum density and setbacks for the zoning district are maintained on the perimeters of the property, and the required landscaped buffer, the width of which may be included within the required setbacks, see VI.Q. is maintained on the perimeter of the site;

3. A plat is filed; and

4. The developer provides evidence that a proper condominium agreement, party wall easements, and other documents necessary to provide for attached multiple ownerships have been recorded (see also IX.M. (pg. 57), which will require the institution of a community association for the joint maintenance of parking areas, the landscaped buffer, etc.).

P. Connections. All developments shall be designed to maximize functional connections with adjoining developments, including shared access to arterial streets, shared parking and service access, shared buffering and open space, and shared pedestrian circulation.

Q. Landscaped Buffers. Landscaped buffers shall be provided as required by Appendix F (on page 108). Wherever landscaped buffering is required by this ordinance, a planting plan shall be required as part of the application for a permit. That plan shall show the width of the buffer; the number, size, and species of all proposed plant materials, how the proposed buffer will be graded (i.e. level, berm, swale); how irrigation will be provided, and, where applicable, the location of any fences, walls, sign poles or pedestals, or other structures that will be placed in the buffer.

1. All buffers shall be installed in compliance with the detailed performance standards for effective buffering found in Appendix F (pg. 110).

2. Existing vegetation shall be retained to serve required buffering or screening functions wherever possible.

R. Land Use Compatibility. Special uses shall be designed for compatibility with neighboring uses, with compatibility being evaluated using the following factors:

1. Lot coverage and the extent of landscaping, including the effectiveness of proposed buffers;

2. Building bulk, height, and scale;

3. The effect on scenic views from adjoining properties and public spaces; and

4. Activity levels, as measured by traffic and noise generation, parking area requirements, the number and size of signs, hours of operation, and similar indicators.

S. Minimum Landscaped Area. The following minimum landscaped areas shall be required:

1. In the I, HC, and CC1 zoning districts: the area necessary to form the required buffers,

2. For higher density residential uses and in manufactured home parks: at least 50% of the lot area. Required buffers may be included in the minimum landscaped area.

T. Pedestrian Circulation. Special uses shall provide any sidewalks needed to link between existing sidewalks on adjoining properties. Note that the term "adjoining" includes property that is across a street.

U. Runoff and Erosion Control. A professionally prepared runoff and erosion control plan shall be implemented by all developments where a cumulative total of more than one acre of land with a slope of more than 8% will be disturbed, or where more than 20,000 square feet of contiguous impervious surfaces will be created. That plan shall be based on a detailed topographic map and:

1. Identify the runoff and erosion hazard areas on the site, and those areas and facilities, both on and downstream from the site, that are vulnerable to damage from accelerated runoff or erosion;
2. Show how existing vegetation will be retained and land disturbance minimized;
3. Show how existing trees that are to be retained will be protected from damage during construction;
4. Show how the area disturbed by construction at any one time will be minimized;
5. Show how disturbed areas will be stabilized during the construction period;
6. Show how disturbed areas will be promptly, permanently stabilized by revegetation or structural techniques;
7. Show how runoff velocities will be minimized and drainageways will be prepared to handle any acceleration or increase of runoff;
8. Show how any additional runoff generated will be retained on-site and absorbed, evaporated, or released from the site at a rate not exceeding the pre-development rate of release;
9. Show how sediment resulting from accelerated soil erosion will be retained on site; and
10. Show how water quality in adjoining or nearby streams and wetlands will be protected by retention of existing vegetation, installation of vegetative filter strips, and similar means.

V. Special Use Performance Standards: Transitional Zoning District 1. The retail and service commercial uses permitted in the T1 zoning district shall be limited to those which:

1. Occupy former residences or buildings of a residential scale, and have landscaping that is similar to that of a well-maintained residence (i.e. lawn, shade trees, flower beds on a substantial portion of the lot);
2. Have operating hours that are compatible with a residential neighborhood and do not generate excessive noise or other potential nuisances. Refer to Table VI.1. (pg. 43)
3. Do not involve regular outdoor sales, the outdoor storage of materials or products, or the display of numerous or large signs, and
4. Do not generate large volumes of auto or truck traffic or have large parking areas, and do not offer drive-in service.
5. A partial list of uses that may be compatible in the T1 zoning district, if developed at the proper, limited scale, includes: SLUC 4923 and 4924 (travel agencies), 5440, 5461, 5462 (confectioners and bakeries), 5610-5690 (retail apparel, not discount), 5810 (eating places), 5931 and 5932 (antiques and secondhand goods), 5941 and 5942 (booksellers and stationers), 5970 and 6493 (jewelers), 5991 (florists), 5994 and 5996 (cameras and optical goods), 5995 (gift shops), 6131-6190 (brokers, realtors, and similar services), 6231 and 6232 (barbers and beauticians), 6251 (tailors), 6290 (other personal services, NEC), 6311 (advertising services), 6392 (business management and consulting services), 6520 (legal services), 6591-6599 (other professional offices), 6811 (day care), and 6991-6990 (miscellaneous services, NEC). This list of uses provides examples, but it should be clearly understood that the critical factor in approval will be compliance with the performance standards established here and in the other portions of this ordinance.

W. Special Use Performance Standards: Transitional Zoning District TO. This zoning district is located on the Bar, Northwest of the Elks Lodge. The commercial and light industrial uses permitted in the TO zoning district shall be limited to those which:

1. Operate entirely within a building or provide effective landscaped buffers for limited outdoor storage or materials handling areas;
2. Do not generate noise, glare, dust, smoke, or other potential nuisances; and
3. Do not generate traffic in excess of the safe capacity of the streets serving the area;
4. A partial list of uses that may compatible in the TO zoning district includes:
 - a. Small scale light manufacturing, including apparel, furniture, publishing, fine glassware or ceramics, electronic assembly, fine jewelry, precision instruments, and similar enterprises; and

b. SLUC 4731, 4741, and 4751 (broadcast studios); 5111-5199 (wholesale trade), except 5151-5159 (farm products) and other wholesaling that involves extensive outdoor storage; 6131-6190 (brokers, realtors, and similar services); 6311-6399 (business services); 6511-6599 (professional offices); 6811 (day care); 6831-6839 (special/technical training and schooling); 6991-6999 (miscellaneous services, NEC); and 7425 (athletic/health clubs).

c. This list of uses provides examples, but it should be clearly understood that the critical factor in approval will be compliance with the performance standards of this ordinance.

X. Special Use Performance Standards: Highway Commercial Zoning District.

Any industrial use may be located within the HC zoning district which does not:

1. Generate high levels of noise, glare, dust, smoke, or other potential nuisances that are incompatible with neighboring retail and service uses;
2. Involve the outdoor storage, handling, and/or processing or treatment of scrap, waste, or raw materials like logs or gravel;
3. Involve the manufacture or long-term storage, of hazardous substances; or
4. Route truck traffic through adjoining residential areas.

Division 3 - Performance Standards for Large Scale Development

Y. Large Scale Development. A large scale development includes 100 or more residential lots or units or commercial uses that will potentially generate 250 or more ADT (average daily trips).

1. Large scale developments shall provide additional public facilities necessitated by their development. Such facilities shall be provided in compliance with all requirements of this ordinance and may include: off-site runoff and erosion control measures; central sewage systems; such off-site road improvements as deceleration or acceleration lanes, left turn lanes, signs or signals, and bridges or culverts; solid waste transfer stations; emergency services buildings and apparatus, including fire engines and ambulances; and neighborhood parks (which may include space used for recreational trails) at a rate of two acres per thousand population.
2. The public facilities needs of any large scale development shall be determined through a fact-finding process conducted by the commission, at the expense of the developer. The commission may retain professional planners and/or engineers to conduct this study, the purpose of which shall be to determine what new facilities needs may be attributed to the proposed development. The large scale development study process shall be conducted as follows:

- a. The administrator shall determine whether a proposed development is a large scale development as defined by this ordinance.
- b. The administrator shall not schedule a hearing on an application determined to be for a large scale development, but shall, instead, place initiation of a large scale development study on the agenda of the next regular commission meeting.
- c. The commission shall review the application at that meeting. If it confirms the administrator's determination, the commission shall require a large scale development study.
- d. Where a large scale development study is required, the developer shall place a deposit with the administrator in the amount required by the resolution establishing fees for the administration of this ordinance. The administrator shall retain appropriate professional assistance for the study, drawing against the deposit as necessary. Additional actual costs shall be billed to the developer, with such costs being paid before a hearing on the application is scheduled. Any unused funds shall be returned to the developer upon completion of the study.
- e. An application shall be considered complete and a hearing conducted only after completion of the large scale development study.

Division 4 - Compliance by Existing Uses And Abatement of Nuisances

Z. Minimum Health and Safety Requirements. Compliance with certain of the performance standards adopted in this ordinance shall be considered essential protection for the public's health and safety and those performance standards shall apply to the continuing operation of all existing uses in the city. All existing uses shall have 180 days from the date of adoption of this ordinance to attain compliance with the following performance standards: 1. VI.C.2. (clear vision triangles at intersections pg. 40) as it applies to the parking of vehicles and vegetation that can be pruned, trimmed, or removed, but not as it applies to existing buildings, 2. VI.I. (nuisances pg. 42-43) and 3. VI.K. (outdoor materials storage pg. 43-44).

AA. Dangerous Buildings. While existing buildings generally have protection as nonconforming uses (see I.F. pg. 2-4) some are dangerous and should be repaired or removed from the community. The Uniform Code for the Abatement of Dangerous Buildings, as amended, is hereby adopted, by reference, to provide a further means of protecting public health and safety.

CHAPTER VII - LOT SPLIT AND SUBDIVISION REGULATIONS

A. What This Chapter Does. This chapter regulates the division of land for sale and development.

B. Plat or Record of Survey Required for All Land Divisions. A record of survey or plat shall be required for all land divisions, except as provided in III.C. and for all areas to be annexed. Records of survey and plats shall meet all requirements of Title 50, Chapter 13 of the Idaho Code "Plats and Vacations" (I.C. 50-1301-1329), as amended, and all requirements of Appendix G (pg. 111).

C. Requirements for Lot Splits. The lot split permit procedure is found in III.F. (pg. 9). All lot splits shall comply with the following requirements:

1. Any lot created shall be capable of accommodating a permitted use allowed by this ordinance.
2. Any lot created shall have frontage on and direct access to an existing public street in compliance with the standards of this ordinance.
3. Any lot created shall have direct access to city water and sewer and all private utilities.
4. Lot splits shall comply with all applicable standards of this ordinance.
5. The provision of access and utilities to the lot created, including any necessary extension of streets or utility mains, shall be the responsibility of the developer.
6. The applicant may be required to provide a feasibility study showing the intended use is appropriate; to include soil and geologic report hydrologists report, water study and flood hazard where appropriate.

D. Subdivision Design. The subdivision permit procedure is found in III.G. (pg. 9-12). All subdivisions shall comply with all applicable performance standards of this ordinance and the following additional requirements.

1. Each lot created shall be capable of accommodating a permitted use allowed by this ordinance.
2. Subdivisions that are in, or include a portion of, the Flood plain and Open Space Overlay Zoning District shall comply with the additional requirements of Appendix A (pg. 92).
3. Subdivisions shall be designed to minimize:

- a. The length of streets and utility lines required by their development;
- b. Exposure to natural hazards and damage to natural assets, including soil erosion and the acceleration of storm and melt water runoff; and
- c. Conflict with adjoining land uses.

4. The applicant must provide a feasibility study showing the intended use is appropriate; to include soil and geologic report hydrologists report, water study and flood hazard where appropriate.

E. Solar Access in Subdivisions. Subdivisions are encouraged to provide solar access to as many dwellings as feasible on the winter solstice. Solar building envelope or solar access setback requirements shall supersede the specification standards of this ordinance, and be enforced by the city, in any subdivision where:

1. A professionally prepared solar access plan clearly identifying all solar lots is submitted with the application for a subdivision permit;
2. The solar access plan shows the exact dimensions of the building envelopes or solar access setbacks required for its implementation; and
3. Recorded covenants confine all building to the designated envelopes or setbacks and limit the planting of non-solar-friendly trees to areas where solar access will not be obstructed.

F. Subdivision of Irrigated Lands. All subdivisions shall demonstrate compliance with the requirements of I.C. 31-3805, as amended, which provides for approval of subdivisions by irrigation entities. Subdivisions which are to be annexed and provided with city water service shall dedicate all existing water rights appurtenant to the subdivided land to the city.

G. Subdivision Improvements. The following improvements shall be provided in all subdivisions:

1. A connection to the city's potable water system for each lot, including any extension of mains required to serve the subdivision.
2. A connection to the city's sewage collection system for each lot, including any extension of mains required to serve the subdivision.
3. Power and telephone connections for each lot, including any extension of lines or cables required to serve the subdivision, in compliance with the standards established by the utility involved.

4. Roads to include surface paving, sidewalks, curbs and gutters, as specified in Appendix E (pg. 107).
5. Sidewalks, as specified in Appendix E (pg. 107).
6. Street lights.
7. Any other improvement required for compliance with this ordinance.

CHAPTER VIII - MANUFACTURED HOME PARK REGULATIONS

A. What This Chapter Does. This chapter provides regulations for the development of manufactured home parks.

B. Manufactured Home Park Operation and Design.

1. Manufactured home parks shall not permit short-term (less than one month) occupancy except in designated areas and not co-mingled with permanent occupants.
2. All manufactured homes placed in a manufactured home park shall be skirted with a matching metal or matching wood skirting material.
3. Manufactured home parks shall be designed to minimize:
 - a. The length of streets and utility lines required by their development.
 - b. Exposure to natural hazards and damage to natural assets, including soil erosion and the acceleration of storm and melt water runoff.
 - c. Conflict with adjoining land uses.

C. Manufactured Home Park Improvements. The following improvements shall be provided in all manufactured home parks:

1. A connection to the city's potable water system for each unit and any extension of mains required to serve the mobile home park.
2. A connection to the city's sewage collection system for each unit and any extension of mains required to serve the park.
3. Underground electric power and telephone connections for each unit, including any extension of lines or cables required to serve the park, in compliance with the standards established by the utility involved.
4. Drained and graded gravel or paved roads, as specified in Appendix E (pg. 107).
5. Sidewalks, as specified in Appendix E (pg. 107).
6. Street lights.
7. Any other improvement required for compliance with this ordinance.

CHAPTER IX - REQUIRED IMPROVEMENTS

A. What This Chapter Does. This chapter provides the tools needed to assure that the improvements required by this ordinance are in fact installed and maintained.

B. Required Improvements. A required improvement is any improvement that must be provided to comply with this ordinance. See VII.G. (pg. 51) and VIII.C. (pg. 53) for the improvements required in all subdivisions and manufactured home parks. Other improvements are required by other performance standards of this ordinance.

C. Installation at Developer's Expense. The installation of all required improvements shall be at the developer's expense. The city may, at its discretion, participate in the costs of adding capacity to required improvements in order to provide for anticipated future developments.

D. Standards for Required Improvements. All required improvements shall be installed in compliance with the policies of these regulations and any design and engineering standards separately adopted by the city or other agencies responsible for providing service to the development.

E. Time of Installation/Development Agreements.

1. Developers shall install all required improvements before a final plat is recorded or the development is offered for lease or sale, leased, sold, or occupied.
2. Developers shall elect to record final plats of the development in phases and/or offer phases of the development for lease, sale, or occupancy before all required improvements are installed. Phasing shall be permitted pursuant to a development agreement that:
 - a. Incorporates a conceptual site plan of the entire development (the site plan used as a basis for permit approval) and a detailed site plan and construction drawings of the initial phase/s.
 - b. Identifies all required improvements in the initial phase/s and establishes their estimated cost.
 - c. Sets a schedule for the completion of the required improvements in the initial phase/s and an anticipated schedule for future phases.
 - d. Guarantees completion, repair, and one year's maintenance of all required improvements in the initial phase/s using one of the methods listed in IX.G. and provides a process for the submission of detailed plans, cost estimates, and the guarantee of improvements in future phases.
 - e. Provides a process by which the city may, if necessary, complete required improvements using the guarantee/s provided.

- f. Provides a process by which either party may request re-negotiation of the development agreement.
- g. Provides a process by which the development agreement may be transferred, with city approval, to the developer's successors.
- h. Provides that the development agreement and any vested rights it confers shall be void if the city is required to "call" a guarantee to complete required improvements or if the anticipated schedule required by c., above, is not met or re-negotiated. The developer shall have the right to re-negotiate the anticipated schedule without losing vested rights, provided that such negotiations are initiated, by the developer, within 90 days after his or her failure to initiate or complete a phase as scheduled.
- i. An "initial" phase is any phase anticipated to begin within 18 months. The anticipated schedule may set times for the initiation or completion of a phase in terms of reasonable ranges of no more than 12 months: i.e. Phase I will be completed between June 1992 and June 1993.

F. Effect of Development Agreement. The effect of a development agreement shall be to create vested rights in the conceptual site plan, as it was approved. Development agreements do not insulate developments from changes in state or federal regulations or changes in building and fire codes.

G. Guarantees. Completion of the improvements identified in a development agreement shall be guaranteed by one of the following methods:

1. The developer may place an amount equal to 110% of the estimated cost in escrow, with that amount and accumulated interest being released only after the city has inspected and accepted the required improvements. A development agreement may provide for the phased release of a portion of the escrowed funds as work proceeds, but at least 25% of the amount in escrow shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed as provided in the development agreement, the city shall use as much as necessary of the escrow account to complete those improvements, before returning any remaining balance to the developer.
2. The developer may provide an irrevocable or standing letter of credit for an amount equal to 110% of the estimated cost. The letter of credit shall be released only after the city has inspected and accepted the required improvements. If any required improvements are not completed as provided in the development agreement, the city shall use as much as necessary of the credit available to complete those improvements.
3. Large development may be completed in phases, with a separate final plat for each phase, but only where the development agreement provides for the timely installation of essential improvements, sets a schedule for each phase, provides for financial assurance by one of the

methods listed above for each phase, and specifies a process for renegotiation of the agreement if the schedule is not met.

H. Inspection Fees. Fees for the inspection of required improvements shall be set by resolution. Inspection fees shall be paid before any work on required improvements is permitted.

I. Inspection and Acceptance of Improvements. Required improvements shall be inspected by the administrator before acceptance. Acceptance of required improvements shall be by action of the council, following submission of the developer's written request for acceptance and receipt of the administrator's report that all improvements have been inspected and are in compliance with these regulations.

J. As-Built Drawings. Reproducible as-built drawings of all subdivision improvements shall be provided to the city at the developer's expense.

K. Warranty of Improvements. Required improvements shall be warranted by the developer for both materials and workmanship for one year after their acceptance. Such a warranty provision shall be included in all development agreements. Where all required improvements will be completed before a final plat is approved and the development is offered for lease, sale, or occupancy, a warranty agreement shall be submitted for approval. Enforcement of the warranty shall be assured by:

1. Retention of 10% of an escrow account established to comply with IX.G. (pg. 55).
2. A continuing letter of credit, as provided in IX.G.(pg. 55), but for 10% of the cost of the required improvements; or
3. Establishment of a new escrow account, in which an amount equal to 10% of the cost of all required improvements is deposited, and which shall be released only upon expiration of the warranty.

L. Continuing Maintenance Required. The continuing maintenance of any private improvement required for compliance with any performance standard of this ordinance shall be required. This provision applies to:

1. Improvements required for the mitigation of potential nuisances;
2. Off-street parking and loading areas;
3. Improvements required for the on-site retention of storm or melt water runoff;
4. Landscaped areas, including required buffers; and
5. Any other improvement required for compliance with this ordinance.

6. The maintenance of landscaped areas includes irrigation, maintenance of the irrigation system, and weed and pest control.

M. Maintenance Mechanism. Any development subject to continuing maintenance requirements that results, or may reasonably be expected to result, in the creation of multiple ownerships shall create a community association or other mechanism to assure continuing maintenance. The developer shall submit the proposed declaration of covenants, articles of incorporation, and by-laws for the community association with his or her application for a permit and shall provide evidence that these documents have been recorded before a certificate of occupancy is issued.

N. Failure to Maintain. Failure to maintain any required improvement shall be a violation of this ordinance.

CHAPTER X - SIGN REGULATIONS

1. Statement of purpose. The purpose of this chapter is to promote the public health, safety, and general welfare by regulating existing and proposed signage. It is intended to protect and enhance the physical appearance of the community, reserve the scenic and natural beauty, provide an enjoyable and pleasing community, protect property values, and create an attractive economic and business climate. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over the public right-of-way, provide more open space, and curb the deterioration of natural beauty and the community environment.

2. Scope. The regulations of this section shall govern and control the erection, enlargement, expansion, alteration, painting/repainting operation, maintenance, and relocation of any sign or display within the city which is visible from any street, sidewalk, or public or private open space. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. The regulations of this section dictate the types, location, and physical standards of signs that are permissible within specified zoning districts and set forth permit procedures. The regulations of this section shall be in addition to any applicable provisions of the Uniform Building and Sign Codes regarding the construction and maintenance of signs.

3. Definitions. The following definitions are adopted in addition to the definition in the Uniform Sign Code, as amended herein:

1. Applicant. For the purpose of this chapter, "applicant" shall be an individual or contractor in the city.

2. Awning. A cloth, plastic, or other non-structural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

3. Awning Sign. A sign that is painted on or attached to an awning or otherwise incorporated into the fabric of an awning.

4. ABanner@ means a strip of cloth, canvas, or other flexible material on which a sign is painted and may be suspended between two structures or hung on the face of a single structure.

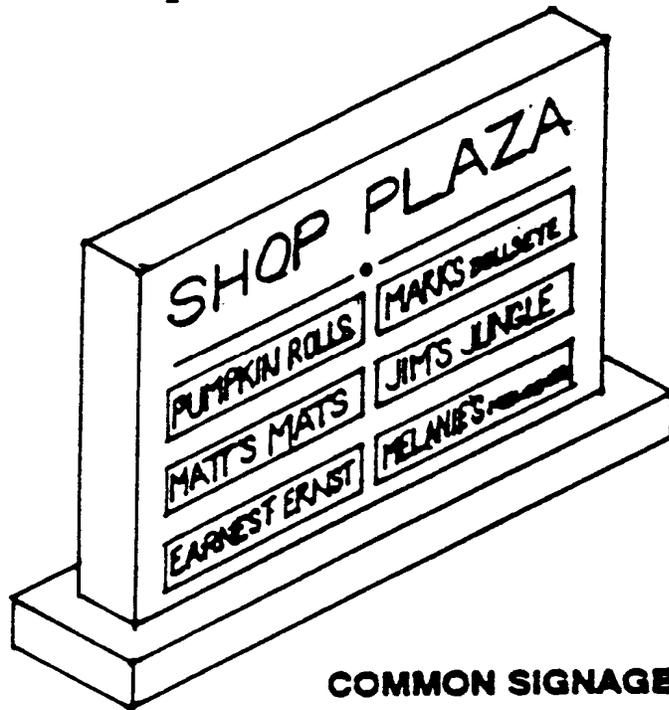
5. Billboard or Outdoor Advertising. See Aoff-premise sign.@

6. Building Department. The department responsible for the administration of the Uniform Sign Code as adopted.

7. ABusiness sign@ means an advertising or business identification sign that directs attention to a business, profession, corporation, service or entertainment sold or offered upon the premises where such a sign is located or to which it is attached.

8. ACommercial/professional plaza@ means a complex (i.e., strip mall, shopping center) housing two or more tenants in a one-story building/buildings. Such a plaza can be defined by common architectural elements, shared street frontages/entrances/parking lots, and/or common ownership. Plazas usually have direct customer access from parking areas.

9. ACommon signage@ means signage which identifies the name of a mall, plaza, professional building, or other multi-use facility as well as collectively advertising individual businesses/tenants located within the complex. These signs commonly feature a "directory-style" listing.



COMMON SIGNAGE

10. AConstruction sign@ means a temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

11. ACopy@ means the wording of a sign surface in either permanent or removable letter form.

12. A**Copy area** means the actual area of a sign face or, in the case of individually applied lettering on walls or awnings, the area computed by drawing straight lines to enclose the extremities of the letters or numbers.

13. A**Directional sign** means a sign which warns or directs the viewer of action to be taken on private property such as, but not limited to A**No Trespassing**, A**Beware of Dog**, A**Enter or Exit** signs.

14. A**Display** means attractions (such as graphic exterior paint treatments, searchlights, flags, murals, balloons, statues, sculptures, fountains, or other features) which do not clearly fall within the definition of a **sign**, but which for commercial or noncommercial purposes direct attention to an institution, organization, or business.

15. A**Erect** means to construct or allow to be constructed, but not including any activity when performed as an incident to the change of advertising message or normal maintenance of a sign or sign structure.

16. A**Externally lit sign** means a sign structure that is illuminated with outside fixtures (i.e., floodlights or externally mounted fluorescent or neon lighting).

17. A**Face** means the area made available by the sign structure for the purpose of displaying an advertising message.

18. A**Face change** means reuse of an existing cabinet which does not involve changes in structure.

19. A**Festoon** means a string of ribbons, tinsel, small flags, pinwheels, or like material.

20. A**Flag** means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, restaurant, franchise, or other entity.

21. A**Freestanding sign**. See **Pole sign** and **Ground sign**.

22. A**Frontage** means a linear distance used in determining the allowable size and location of signs.



a. A**Building frontage** means the linear distance which equals the horizontal length of any side of a building which face and is parallel to the street frontage.

b. A**Open space frontage** means the linear distance of any parcel along a single street derived by subtracting the building frontage from the street frontage of the property.

c. A**Street frontage** means the linear distance along a single street measured between property lines of any parcel which abuts that street.

d. A**Business frontage** means that portion of the total building frontage which is occupied by the front of any individual business derived by measuring the linear frontage of whichever wall of the business contains the main entrance(s).

23. AGeneral information sign@ means a sign that identifies public facilities and services or gives information to travelers (i.e., hospitals and airports).

24. AGrade@ means the average ground elevation within fifty feet (50') of a sign. In the case of signs located within a sight triangle, the curb height is considered to be grade.

25. AGround sign@ means a sign which is supported by one or more uprights, poles, braces, or columns in or upon the ground and not attached to any building and has nominal clearance to grade.

26. AHeight of a sign@ means the height of a sign shall be measured from grade to the highest point on the sign or supporting frame.

27. AIdentification sign@ means a sign that identifies the name of the building, owner and/or street address, rather than a business within that building. It may also indicate the date of establishment as in a memorial tablet, but sets forth no other advertisement.

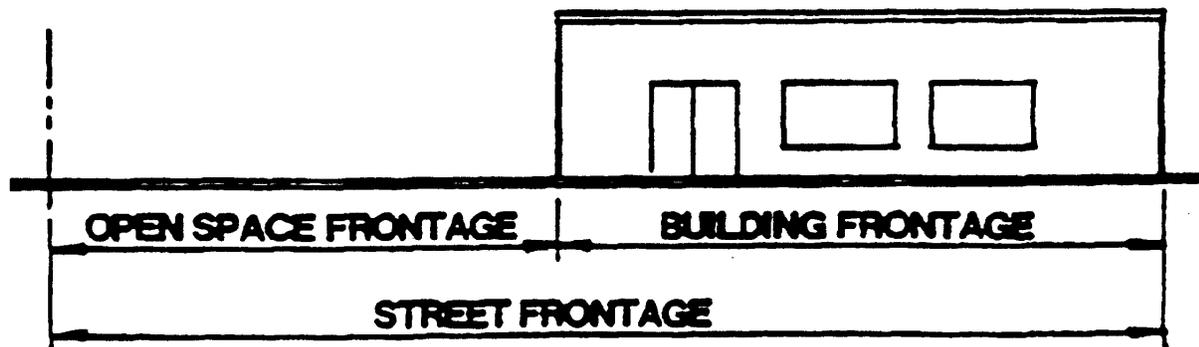
28. AIllegal sign@ means a sign unlawfully erected either before or after the effective date hereof. See also Nonconforming sign.

29. Ailluminated sign@ means a sign in which a source of light is used in order to make the message readable. This definition includes internally and externally lighted signs.

30. AIndividual business@ means an establishment located on either a separate site or within a multi-use commercial/professional plaza.

31. AInternally lit sign@ means a sign that is illuminated from within the structure.

32. AMulti faced sign@ means a spherical or other sign with more than two faces.



33. AMulti-Use Buildings/Signage.@ See commercial/professional plaza, professional building, mall, and common signage.

34. AMural@ means a drawing or picture painted on a wall which contains no printed words and which depicts no logo or other business symbol.

35. ANonconforming sign@ means a sign lawfully erected before the effective date of the ordinance codified in this chapter which does not fully comply with provisions of this chapter.

36. AOff-premise sign@ means a sign advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured, or furnished at the site on which the sign is located (i.e. billboards or outdoor advertising).

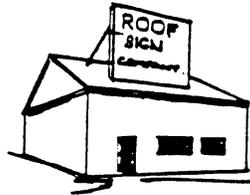
37. AOn-premise sign@ means a sign which carries advertisements incidental to a lawful use of the premise on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premise, name of the person, firm or corporation occupying the premise or site.

38. APainted wall sign@ means a sign painted directly on the exterior wall of a building or structure.

39. APennant@ means a flag or banner which tapers to a point.



LEGAL ROOF SIGNAGE



ILLEGAL ROOF SIGNAGE

40. APole sign@ means a detached sign erected and maintained on a freestanding mast or pole and not attached to any building with a minimum height of eight feet. This does not include a Aground sign.@

41. APortable sign@ means a free-standing sign not permanently anchored or secured to either a building or the ground such as but not limited to AA@ frame (menu and sandwich boards), AT@ shape or inverted AT@ shape sign structures, also includes signs on wheels or signs capable of being moved from place to place including signs mounted or painted on vehicles (parked and visible from the public right-of-way) unless such is utilized in normal day-to-day operations of that business.

42. AProfessional office buildings@ means a structure designed for professional offices (rather than commercial space). Such buildings generally have more than one floor and have shared entrances for their clientele.

43. AProjecting sign@ means any sign, other than a wall sign, which projects from and is supported by the wall of a building or structure, excluding awnings.

44. APublic service sign@ means a sign which announces public activities or charitable events to take place, or gives information of value to all citizens.

45. AReader board@ means a sign on which different messages can be displayed by use of removable letters.

46. "Real estate sign" means any sign pertaining to the sale, lease, or rental of land or buildings located on the parcel of land or building which is being offered.

47. ARight-of-way@ means right-of-way open to the public and under the jurisdiction of the City of Salmon, Lemhi County or the State of Idaho.

48. "Roof sign" means any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave which exceed the highest point of a roof or parapet wall.

49. "Sight triangle" means the sight triangle is a twenty-foot by twenty-foot triangular section which shall be kept clear in order to avoid conflicting with the line-of-sight for drivers at street or driveway intersections.

50. "Sign" means any material, structure, or device or part thereof, composed of lettered or pictorial matter upon which lettered or pictorial matter is placed in such a manner as to be viewed by persons out of doors, including window display of an advertisement, announcement, notice, directional matter, or name, and including sign frames, billboards, sign boards, painted wall signs, hanging signs, illuminated signs, pennants, festoons, banners, projecting signs, or ground signs, and shall also include any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public.

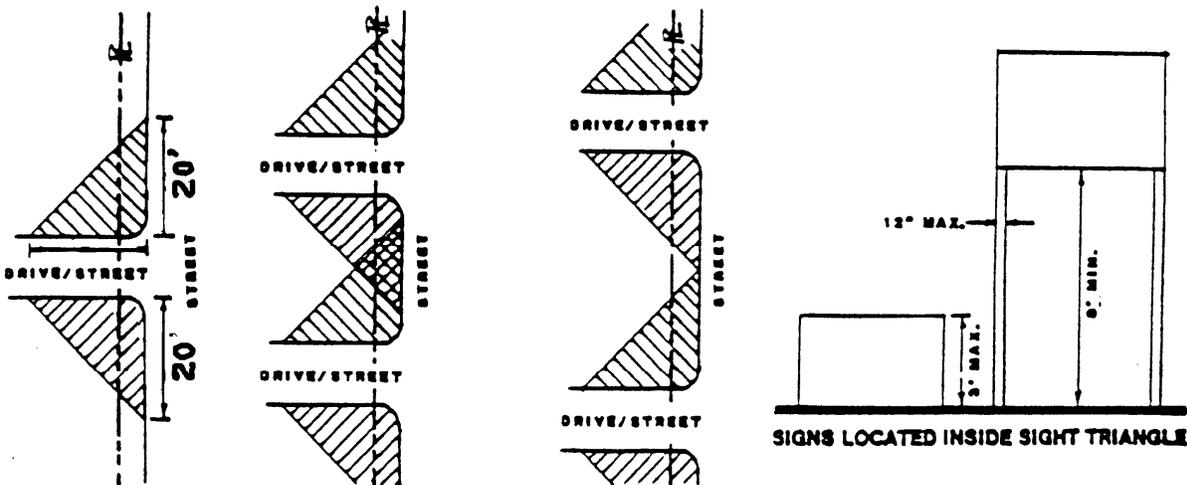
51. "Site" means contiguous land under the same ownership which is not divided by any public street or alley.

52. "Snipe sign" means a temporary sign or poster affixed to a tree, fence, utility pole, etc., including but not limited to garage/yard sale signs, auction signs, etc.

53. "Structure" means any material/device which supports or is capable of supporting any "sign" as defined in this Code.

54. "Suspended sign" means a small-scale sign which hangs from rather than being firmly attached to a support structure. Typically such signs are used below a canopy-awning primarily to identify a business for pedestrian traffic in a downtown district.

55. "Temporary sign" means a sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, other special commercial events, political



candidates or public issues to be voted upon at an official election.

56. "Wall sign" means a sign attached to or erected upon the wall of a building or structure. A wall sign shall project no further than eighteen inches (18") from the building or structure and shall not exceed the highest point of the roof, wall, or parapet structure.

57. "Window sign" means a sign applied, painted or affixed to or in the window of a building. Legal window signs shall occupy no more than fifty percent (50%) of the total window area.

58. "Zoning district" means an area designated by ordinance for which there exist regulations governing the use of buildings and premises or the height and area of buildings are uniform. Such district shall also regulate signage within a specific area.

4. Signs prohibited in all zoning districts. The following signs specifically shall not be permitted, erected or retained in any district:

- A. Nonconforming signs as indicated in Section 23(C);
- B. Roof-mounted signs which exceed the highest point of a roof or parapet;
- C. Snipe signs; signs attached to trees, telephone poles or streetlights may not be posted for more than five days and must be removed by owner;
- D. Signs which incorporate moving lights (i.e. flashing or chasing);
- E. Signs which make use of words such as "Stop", "Look", "Danger", or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic;
- F. Any sign which obstructs free ingress to or egress from door, window, fire escape, other exit way, or standpipe;
- G. Any sign or other advertising structure containing any obscene, indecent or immoral matter;
- H. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and road;
- I. Any sign or sign structure which:
 - 1. Is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or
 - 2. Is capable of causing electrical shock to persons likely to come in contact with it;
- J. No sign shall incorporate banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or similarly fixed or moving devices unless in accordance with Sections 10 and 11.

5. Signs not subject to permits. No permit shall be required under this chapter for the following:

- A. Residential Districts; Low Density Residential (LDR) and Medium Density Residential (MDR).
 - 1. One on-premise, nonilluminated sign shall be permitted for each home occupation, provided that such sign be nonilluminated and no more than six square feet in area, and affixed to the surface of the building.
 - 2. Real estate signs shall be limited to one per lot (except two shall be permitted on corner lots with one facing each street). Such signs shall not exceed nine square feet in area, be higher than six feet above grade, or project beyond the property line.
 - 3. Temporary general information signs including but not limited to "For Sale" signs "Sale,@ etc., shall not be in excess of six square feet per sign face.
 - 4. Temporary noncommercial signs, such as those bearing political, religious, nonprofit, and ideological messages, may be displayed for up to forty-five days between January 1st and June 30th and for up to forty-five days between July 1st and December 31st of any year. Such signs shall comply with sight triangle standards where deemed necessary and shall not exceed thirty-two square feet per sign face.

5. Signs for public safety and convenience may be authorized by the city's Planning and Zoning Department. Such signs shall not exceed six square feet per sign face and shall serve the public safety or convenience, such as entrance signs, exit signs, office signs, parking signs.

B. Transitional Zones.

1. Temporary signs painted or attached to either surface of windows or visible there from but not obscuring more than fifty percent of the total square footage of such windows, shall be permitted up to sixty days (i.e. Christmas decorations).

2. General information signs (i.e. hospital, airport, library) shall be permitted if not in excess of six square feet in size. Such a sign shall be approved by the Planning and Zoning Department and shall be designed and installed in conformance with the Manual on Uniform Traffic Control devices.

3. Signs for public safety and convenience may be authorized by the Planning and Zoning Department. Such signs shall not exceed six square feet per sign face and shall serve the public safety or convenience, such as entrance signs, exit signs, office signs, parking signs.

4. Temporary noncommercial signs, such as those bearing political, religious, nonprofit, and ideological messages, may be displayed for up to forty-five days between January 1st and June 30th and for up to forty-five days between July 1st and December 31st of any year. Such signs shall comply with sight triangle standards where deemed necessary and shall not exceed square feet per sign face.

5. Real estate signs (sale or rent) attached to the main building shall not exceed sixty-four square feet of surface area, shall pertain only to the sale, lease or rental of the particular building, property or premise upon which they are displayed.

6. Building identification signs which are incorporated into a structure's original architectural design shall be no larger than point five (.5) square feet per linear foot of building frontage. There shall be no more than one per building face.

7. Awnings which do not contain a message shall be allowed provided they do not project over adjacent property lines or the sidewalk.

8. Any sign or sign structure located within a building which is not intended to be visible from outside the building.

9. Flags made of cloth, canvas, or flexible fabric material representing the United States, the state of Idaho, or general purpose unit of government shall not be a sign regulated by this chapter.

10. Gravestones, the display of street numbers, or any display or construction not defined herein as a sign or sign structure.

11. Official traffic or governmental signs.

12. Construction Signs. One temporary sign, not to exceed fifty square feet in area, may be affixed to each lot or parcel of property to designate that same is to be occupied at future date by a business or concern designated thereon. Upon such a sign may appear the name of the general contractor and all subcontractors. Such signs may remain for a period not to exceed six months or one month prior to start of construction and continuing until construction is complete. Sight triangle regulations must be followed.

6. Permit required. Except as otherwise provided in this chapter, no signage shall be painted/repainted, erected, altered, rebuilt or relocated until a permit for the sign(s) has been

obtained. For permit procedures see Section 8. A separate permit may be required for electrical work.

7. Permit fees. Sign permit fees are set by the Uniform Sign Code (USC). Fees for governmental entities and organizations with official nonprofit status may be waived by the City Council. Permits for face-changes only will not require permit fees. Fees are not refundable.

8. Permit procedures. A. No person shall erect, paint/repaint, or alter any sign within the corporate limits of the city without first securing a permit for such, except as identified in Section 5.

B. Applications for a sign permit, a sign exception, or a sign face change shall be obtained from the Planning and Zoning Department. The application for permission to erect or maintain any sign shall be in writing signed by the owner, occupant of the property or structure to which such sign is attached, or contractor authorized to act as the owner's representative. The signers of such application shall also state and agree with the city therein that they shall indemnify, protect, and save the city harmless from all costs, loss or damage which the City may sustain by reason of the erection, maintenance, use or removal of the sign, and that the sign may be removed as provided in this chapter. Every application for sign approval shall be accompanied by:

1. The street name and street number of the building of the structure to which the sign is to be erected;

2. Names, addresses and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the contractor erecting or affixing the sign;

3. A scaled site plan indicating the proposed location of the sign, an outline of the principal building showing the amount of building frontage and open space, the location and size of any existing signage at the site, and colors and type of illumination, if applicable, shall be indicated on the plan;

4. Two inked, scaled drawings of the plans and specifications of the sign to be erected or affixed. Such details shall include accurate dimensions, materials, copy, and size of the proposed sign;

5. Color photographs of the property in question, showing all existing signs on the property. For proposed wall signs a color photograph of the entire facade of the building on which the sign is to be erected shall be submitted;

6. Applications for permits for off-premises signs, in addition to the aforementioned information, shall contain a survey showing the location of any off-premise sign within a one thousand foot radius and on-premise signs within thirty feet of the proposed location of such sign.

C. Upon receipt of an application, the Zoning Administrator shall evaluate the request based on the information provided by the applicant and the requirements of this chapter. If the Zoning Administrator denies or rejects an application, the applicant may appeal the decision to the Planning and Zoning Committee. If the Planning and Zoning Committee denies or rejects the appeal the decision may be appealed to the Salmon City Council as outlined in Section T. Following Planning and Zoning Committee review and approval, the application will then be forwarded to the city's building department for collection of fees, related records management, and issuance of the appropriate permits.

D. Upon completion of the work and a call for inspection, a building official of the city shall then examine the work for structural compliance with the Uniform Sign Code as amended and adopted.

E. A sign permit shall expire (unless otherwise requested in the original application) if installation/alterations are not completed within ninety days. This period may be extended by the Zoning Administrator for another ninety days provided the applicant applies for the extension at least two weeks before the end of the initial ninety days.

9. General sign regulations. In addition to the requirements of the Uniform Sign Code as herein adopted and amended, signs in all zoning districts shall also conform to the following:

A. The following apply to all signs regardless of zoning district:

1. Maintenance. The owner of a sign and the owner of the premise on which such sign is located shall be jointly liable to maintain such signs including its illumination sources in compliance with this chapter and all other applicable laws in a safe and secure condition and in a neat and orderly condition and in good working order at all times and to prevent the development of any rust, corrosion, rotting, or other deterioration in the physical appearance or safety of such sign. The person controlling the property on which a sign or sign structure is located shall remove all weeds/litter and cut the grass within a radius of ten feet of the outer limits of a sign or sign structure.

2. Relocation of Business Establishment. In the case of a business establishment relocating to another location, the owner, manager, or contractor shall be responsible for removal of any signage on the previous site, including but not limited to sign cabinets on ground signs, wall signs, painted-on wall signs, and unpermitted roof signs prior to installation of the new signage.

3. Structural Requirements. All signs shall be constructed of metal, wood, or comparable weather-resistant material and shall be enclosed and subject to the following:

A. Signs and sign structures shall meet the applicable requirements in the Uniform Building and Sign Codes.

B. Illuminated signage shall be directed away from adjacent properties and public right-of-ways.

4. Placement. The following standards apply:

a. A wall sign shall be attached flat against the wall and project no further than eighteen inches from the building and shall not extend above the top of the wall to which it is attached. Painted wall signs are calculated into the total sign area allowed per site. Flags with advertising copy which are displayed permanently (over sixty days) on a building shall also be considered as wall signs.

b. A projecting sign shall not extend beyond the top of the wall on which it is placed. A minimum eight-foot clearance from grade is required. Projecting signs are subject to the bulk and placement standards outlined in the zoning ordinance (i.e., setbacks).

c. An awning sign is subject to the bulk and placement standards outlined in the zoning ordinance (i.e., setbacks). Such awnings shall not project above the roof line, or be located over a public right-of-way property line without an encroachment permit. A minimum clearance of seven feet to the valance and eight feet to the frame above grade is required. Sign area for awnings shall be calculated on the copy area only.

d. Roof signs shall not exceed the highest point of a roof or parapet wall and shall not project further than eighteen inches from the building.

- e. No signs may project over adjacent property lines or into public streets or alleys.
- f. No sign shall be constructed in such a manner as to block any other sign from street

level.

g. Subject to the provisions of this sub-section, any business owner having a business located within a commercial or industrial zoning district may erect and maintain not more than two (2) portable sandwich board commercial signs within the business frontage of the business for which the advertisement or solicitation is made. In addition, the owner of any business located within the CC1 or CC2 zoning district may also erect one additional portable sandwich board off-premise commercial sign upon Main Street, provided that written permission is obtained from the business owner within whose business frontage the sign is located. All portable or sandwich board signs shall not obstruct the vision of vehicular traffic and shall be removed after the conclusion of business hours.

5. Window Signs. Window signs intended for display over sixty days shall require a permit, shall not consume over fifty percent of the glass area, and shall be calculated into the total sign area.

6. Pole/Ground Signs.

- a. The maximum height of a pole/ground sign shall be twenty-five feet.
- b. Any individual on-premise pole/ground sign structure shall not contain in excess of two hundred square feet of signage when located within twenty-five feet of any property line.
- c. Signage is limited to no more than three sign faces/cabinets separated by more than two inches of open space. All wiring serving pole/ground signs shall be underground.
- d. Freestanding flags with advertising copy shall be considered as pole signs.
- e. No pole/ground sign shall be located on or over public property or within twenty-five feet of another such sign.
- f. In cases where a proposed sign would be situated on a corner lot possessing two street frontages, any signage located on or within thirty feet of the corner may only contain signage based on the larger of the two frontages. In other words, both frontage allocations may not be combined into the same sign.
- g. For the public's health, safety, and general welfare, ground/pole signs within the area defined as a twenty foot sight triangle shall not be over three feet or less than eight feet in height from grade and support posts shall be no greater than twelve inches in diameter. Low profile ground signs between three feet and eight feet in height shall meet the bulk and placement standards of the zoning ordinance (i.e., setbacks). See the illustration accompanying definition at Section 3.
- h. A Sandwich type signs shall not be larger than four (4) square feet of area on a side, but in no instance shall the width of such sign exceed one-half (2) the width of the sidewalk or walkway on which such sign is placed.

10. Displays. Displays as defined in this code shall not be permitted in residential districts. Displays must meet all placement standards and the Planning and Zoning Administrator has the power to disallow any display which may inhibit the public's health, safety, and general welfare. Requests for temporary displays should specify the location of the display; the type, size, number, and location of devices in the display and the intended starting and ending dates. All permanent displays (those over ninety days) shall be reviewed by the Planning and Zoning Committee prior to the issuance of a permit.

11. Banners, pennants. Banners, pennants, and festoons may be displayed for up to forty-five days between January 1st and June 30th and for up to forty-five days between July 1st and December 31st of any year without a permit being required. Such signs may in no case be strung between utility poles, overhang the right-of-way, or violate sight triangle requirements without approval by the Planning and Zoning department. In such case, only banners advertising special events may be permitted.

12. Reader boards (changeable copy panels). Reader boards are permitted in all zones except residential, but must be counted into the total sign area allowed on a lot.

13. Signs Permitted and Conditions Thereto in Residential Districts. The following types, locations, and sizes of non-illuminated signs are permitted in residential districts. Signs shall be permitted under the following conditions:

A. Nonconforming Uses. Legal nonconforming uses located within a residential district may retain existing legal signage. Any new signage for existing nonconforming uses shall be in conformance with the requirements of signage within a Transitional district.

B. Subdivision Identification Signs. Such signs may be erected for the purpose of identifying a residential development of fifteen or more dwelling units. Such signs shall be no larger than thirty-six square feet, nor higher than five feet above grade. One sign may be erected at each entrance with no more than four such signs for any project. Sight triangle regulations must be followed.

C. Real estate development project signs shall be permitted when erected for the purpose of selling or promoting a residential project of eight or more dwelling units provided that such signs not exceed sixty-four square feet per sign face and are removed when the project is eighty percent complete, sold or leased. Sight triangle regulations must be followed.

14. Signs permitted and conditions thereto in Transitional districts. The following types, locations and size of signs are permitted in Transitional districts:

A. Individual Businesses.

1. Ground Sign. One ground sign per site, no closer than five feet from the property line, shall be permitted per street frontage providing that:

a. Such a ground sign shall not exceed thirty-two square feet in area, nor six feet in height.

b. If constructed within a sight triangle, such signs may not exceed three feet in height measured from top of curb.

2. Wall Sign. One wall sign per street frontage shall be permitted in addition to a ground sign. Such a sign shall not exceed thirty-two square feet in size.

3. Awnings. Awnings may be used in lieu of wall signs. Sign area for awnings shall be calculated on the copy area only and the copy area shall not exceed thirty-two square feet in size per street frontage.

B. Common signage (for commercial/professional plazas with two or more tenants)

1. Ground Sign. One directory-type sign shall be permitted per street frontage for the listing of all tenants who have offices/businesses within a premise. The sign shall not exceed thirty-two

square feet and be no closer than five feet to the property line, providing that: a, The sign shall not exceed six feet in height.

a. If constructed within a sight triangle, such sign shall not exceed three feet in height. See definition of sight triangle in Section 3.

2. Wall sign. A wall directory sign, for listing all tenants who have offices/businesses within a premise, shall be permitted up to a maximum of thirty-two square feet,

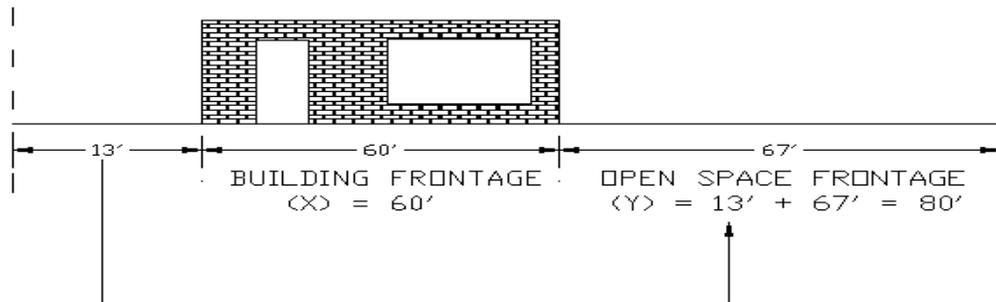
C. Lighting. Lighting shall be internal or external. However, if internally lit the background shall be opaque with only the message illuminated.

15. Signs permitted and conditions thereto in core commercial I, core commercial II, highway commercial and industrial districts. The following types, locations, and size of signs are permitted in CC1, CC2, HC and I districts for individual businesses not located in multi-use buildings:

A. Total Sign Area Allowed Per Individual Business Site. For any given street frontage the total sign area allowed on said street frontage shall be determined by computing the sum of two square feet for each linear foot of building frontage plus one square foot for each linear foot of open space

FORMULA $2(X) + 1(Y) = \text{TOTAL SQUARE FEET ALLOWANCE}$
(X) = BUILDING FRONTAGE (Y) = OPEN SPACE FRONTAGE

EXAMPLE: $2 \times 60 + 1 \times 80 = 200 \text{ SQUARE FEET}$



frontage.

B. This allowance may be utilized for any combination of the following sign:

1. Wall Signs. Wall signs shall be permitted.
2. Projecting Sign. One projecting sign shall be permitted. A projecting sign may extend no more than four (4) feet over a public right-of-way or property line.
3. Awning Signs. Awning signs shall be permitted.
4. Pole/Ground Sign. One pole/ground sign per site for each street frontage shall be permitted not exceeding twenty-five feet in height from grade to the uppermost part of the sign or pole providing all general regulations are met in addition to the following standards:
 - a. In cases where the street frontage is one hundred eighty feet or greater, one additional pole/ground sign per site may be permitted when all other general regulations are met. In no case shall more than two ground signs per street frontage be permitted without an exception by the City Planning and Zoning Committee .
 - b. For pole signs three to fifteen feet in height, up to two square feet of the total sign area allowed may be utilized for each linear foot of building frontage and up to one square foot of the total sign area allowed may be utilized for each linear foot of open space frontage.

c. For pole signs greater than fifteen feet and up to twenty-five feet in height, the following shall apply:

i. The allowable sign face area based on building frontage shall decrease by one-tenth of a square foot of sign area for each one foot above fifteen feet in height. The following

	<u>PROPOSED SIGN HEIGHT</u>										
	15	16	17	18	19	20	21	22	23	24	25
<u>x building frontage</u>	2.0	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.0
<u>x open space frontage</u>	1.0	.95	.90	.85	.80	.75	.70	.65	.60	.55	.50

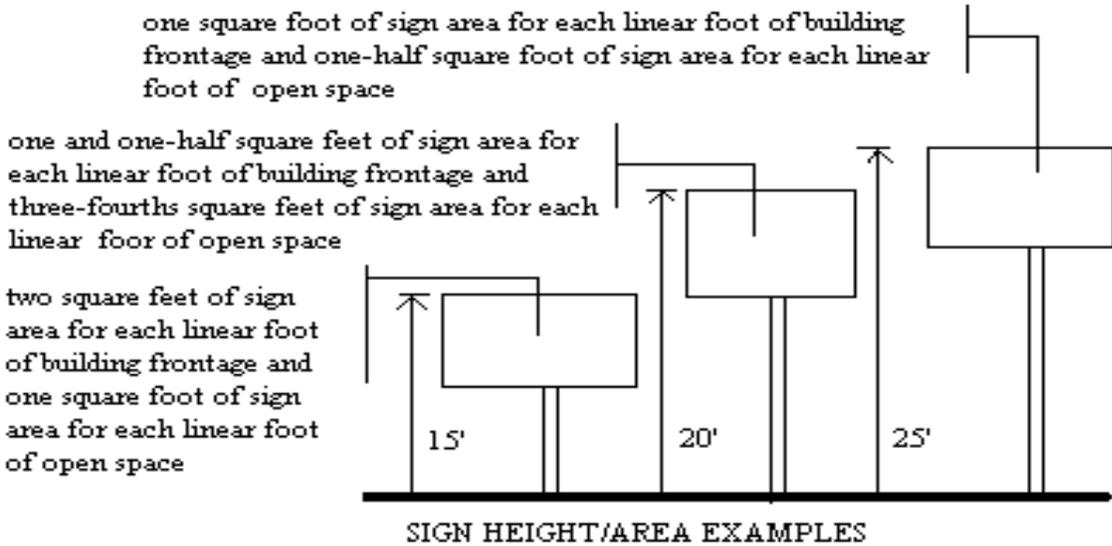


table illustrates:

ii. This table is based on a formula which can also be utilized for signs with irregular heights: $[2 - (\text{height over } 15' \times 0.1)] \times \text{linear feet building frontage} + [1 - (\text{height over } 15' \times 0.05)] \times \text{linear feet open space frontage} - \text{sign area}$.

iii. A reduction in sign face area for signs between fifteen and twenty-five feet in height does not reduce the total area allowed for the site as outlined in Section 15.

5. Suspended/Hanging Signs. Such signs may accessorize awning structures and may not exceed four (4) square feet in size and shall have a minimum clearance of seven feet (7') to the sidewalk. Such signs are intended for the information of pedestrians.

6. Window Signs. Window signs may be applied, painted or affixed to or in the window of a building as long as they occupy no more than fifty percent (50%) of the total window area and the area of such signage is calculated toward the total sign area allowed on site.

16. Multi-use commercial/professional plazas. The following provisions shall apply to a complex containing two or more businesses in a commercial general, warehouse-wholesale, or industrial district:

A. Individual Business. Each individual business within such a complex shall be permitted to have one wall sign or one awning sign with a maximum sign area of one and one-half square feet for

each linear foot of business frontage. Individual businesses may not have a pole/ground sign. In addition to the aforementioned permitted signage, each business shall also be allowed one sign on a side or rear wall of that portion of the building occupied by the business with an allowed sign area of one square foot for each linear foot of business frontage up to a maximum of seventy-five square feet.

B. Common Signage. Such a complex may also share additional pole ground signage which collectively advertises the name of the plaza and/or the names of the individual businesses. See also the definition of "common signage"

1. Total sign area allowed for common signage is calculated as follows: one-half square foot of common sign area for each linear foot of building frontage and one square foot of common sign area for each linear foot of open space frontage.

2. Such a sign may be a ground sign not exceeding eight feet in height which meets sight triangle and setback requirements as governed by section 9-A-6-g.

3. In no case may total common signage be more than two hundred square feet.

17. Enclosed malls/shopping centers: Because of the design of such facilities, the following standards apply:

A. Common Signage. Such a complex may share a ground/pole sign for each street frontage which collectively advertises the name of the shopping center/mall or the names of the individual businesses. Such a sign may be a ground/pole sign which meets sight triangle and setback requirements as governed by Section 9-A-6-g and meets all other general regulations.

1. Total sign area allowed for common signage is calculated as follows: one-half square foot of common sign area for each linear foot of building frontage and one square foot of common sign area for each linear foot of open space frontage.

2. Total common signage shall not be less than one hundred twenty square feet nor more than two hundred square feet,

B. Individual Businesses. Wall signs are permitted on exterior walls adjacent to a customer entrance which serves one particular establishment (i.e. an "anchor" store) Such signage is calculated as follows: one and one-half square foot of sign area for each linear foot of the building frontage on the wall where the sign would be mounted. Individual businesses with customer entrances inside the mall may not have individual signage on the exterior unless incorporated in the common signage.

18. Professional office buildings. Because of the nature of such buildings, the following standards apply:

A. Ground Sign. One directory-type sign shall be permitted per street frontage for building identification and/or a collective listing of all tenants who have offices/businesses on a common site.

1. The sign shall not exceed sixty-four square feet:

2. The sign shall not exceed eight feet in height.

3. If constructed within a defined sight triangle, such sign shall not exceed three feet in height.

B. Wall Signs. Wall signs are permitted as follows:

1. Directory Sign. A sign listing all tenants with offices/businesses within a premise shall be permitted up to thirty-two square feet in size near each main entrance to serve pedestrians.

2. **Building Identification Sign.** A wall-mounted sign identifying the building itself (i.e. City Hall) may be allowed on each side of a structure in accordance with the following: one-half square foot of signage for each linear foot of building frontage.

19. Off-premises signs. Off-premises/billboard signs shall only be permitted outright in CC1, CC2, HC and I districts. Permits for signs meeting the requirements below may be issued by the Zoning Administrator. Any applicant aggrieved by denial of a permit shall have fifteen (15) days in which to file a written request to the Planning and Zoning Department for a hearing before the Planning and Zoning Committee. However, the following additional requirements shall apply in core commercial districts 1 and 2: 1) applicants for signs in core commercial districts 1 and 2 must provide a mailing list of property owners and tenants within a three hundred foot (300') radius of the proposed sign location to whom notice of the application will be sent by the City; 2) a ten (10) day waiting period shall be required prior to sign construction or erection, during which time period any aggrieved person so notified may make a written protest to the Planning and Zoning Department for a hearing before the Planning and Zoning Committee. A decision of the Planning and Zoning Committee may be appealed to the City Council within ten (10) days of the date of the Planning and Zoning Commission decision; 3) no construction or erection of signs shall be allowed pending the outcome of either hearing; 4) the decision of the City Council shall be final; 5) the standards used by the City Council and the Planning and Zoning Committee shall be as follows: the proposed sign must be designed to minimize adverse effects on adjoining land; the proposed sign must not cause unreasonable hardship on surrounding property owners by virtue of its physical nature; the proposed sign must be designed to be as compatible in appearance and layout with adjacent uses as is practical.

An inventory shall be conducted of all off-premises signs in existence at effective date hereof whose sign face areas exceed two hundred (200) square feet. If any such sign is hereafter removed, a "replacement" sign exceeding two hundred (200) square feet, but limited to a maximum of two hundred eighty eight (288) square feet, shall be allowed outright, provided each sign meets all other requirements set forth in this Chapter. All off-premises signs in any district shall meet the following standards:

A. **Sign face.** The maximum area of a sign face shall not exceed two hundred (200) square feet (except replacement signs as set forth herein above) including border and trim, but excluding base, supports, and other parts of the sign structure. Maximum height of the face shall be twelve feet (12') and maximum length shall be twenty-four feet (24').

B. **Height.** Off-premises signs shall be no more than twenty-five feet (25') in height above ground level and have a minimum clearance of twenty feet (20'). Provided, however, that the Zoning Administrator is hereby authorized to grant variances up to five feet (5') for the minimum clearance and height requirements.

C. **Cutouts.** Cutout attachments securely affixed to off-premises signs shall be permitted, but shall not be allowed to project more than five feet (5') above, one foot (1') below, and not more than two feet (2') on either side of the sign to which they are attached.

D. **Placement.** No portion of an off-premises/billboard sign may extend into or over an area defined as a structural setback in the applicable zoning district standards.

E. **Message.** No permits are required to change the message of an off-premises/billboard sign.

F. **Spacing .**

1. Off-premises signs located on the same side of a roadway or street shall be spaced at least one thousand feet (1,000') apart. Additionally, off-premises signs shall be spaced at least one hundred fifty feet (150') from any other such sign located on the opposite side of the roadway or street (measured in a straight line between one sign and another along the line of-sight of the

roadway or street common to each sign). Provided, however, that adjustments of up to ten percent (10%) of the required distance may be approved by the Planning and Zoning Department.

2. In no case shall off-premises signs be located closer than two hundred fifty feet (250') to a residential zoning district, designated historic district, park, school, church, cemetery, or government facility, measured in any direction from said signs.

3. Notwithstanding the above, there shall not be more than a total of two hundred eighty eight (288) square feet of off-premises sign face area within two hundred feet (200') of the point of intersection of the curb lines (regardless of whether concrete curbing is actually in place) of any two (2) streets.

20. Exception procedures.

A. The Planning and Zoning committee shall meet on the second Tuesday of the months of January through December, to review applications. Completed applications shall be submitted at least two weeks before the regular meeting. Applications shall include a narrative which describes the request and addresses each of the standards required for a sign exception as set forth in this chapter and the fee established by the Uniform Sign Code (USC). Notices of the time and place of such meetings and the sign exception request to be considered shall be mailed to owners and occupants of any adjoining property which shares a common boundary line, also referred to as common property line, with the premises on which the sign is to be located.

B. This committee has the authority to approve signs with or without special conditions concerning sign size, design, illumination, height, width, landscaping, placement on-site, or any other condition it deems pertinent for sign enhancement. This committee shall only approve signs and sign structures that are consistent with the purpose set out in Section 1 and with the comprehensive plan of the city.

C. A decision, in the form of written findings and conclusions, shall be issued by the committee and a copy mailed to the applicant and property owners specified above. If the request is denied, this mailing shall be by certified mail. Any aggrieved party may, within thirty days of the date of mailing of the decision, appeal a decision to the city council which shall hold a public hearing on the matter. The council's final decision shall be in the form of written findings and conclusions and shall be issued within twenty-one days of its hearing with a copy mailed to the applicant and the property owners specified above. An exception shall be denied, or a permit revoked, upon showing that the applicant or his agent misrepresented facts or falsified information used in requesting or obtaining the permit, whether in writing upon the application form, or in oral testimony at any hearing or meeting.

D. A sign exception permit shall expire if the alterations are not completed within ninety days provided the applicant applies for the extension at least two weeks before the end of the initial ninety days.

E. A sign exception request may not be resubmitted for the same general use at the same location for a period of twelve months.

F. Sign exceptions which have been considered by the Planning and Zoning committee are not transferable from one applicant to another. If the applicant applying for a sign permit does not do the work, then any new applicant shall reapply for the exception.

21. Standards--Exceptions.

A. An exception sought should be the result of unique physical characteristics of the site in question.

B. The applicant shall have taken all reasonable steps to comply with the strict terms of the ordinance from which he or she requests an exception.

C. The circumstances surrounding the request shall be extraordinary as related to the applicant's land and the reasonable use thereof.

D. The applicant should show that, absent an exception, no reasonable identification of the subject land remains.

E. The applicant for an exception shall show how the proposed exception has been designed to minimize adverse effects on adjoining land.

F. The proposal must be in conformance with the purpose set forth in this chapter.

22. Signs by conditional use permits. Where a proposed use is permitted in a zoning district by CUP (or exists as a legal, nonconforming use), the regulations governing the next closest zoning district in intensity shall be utilized unless otherwise outlined in a conditional use permit or sought through the exception procedures outlined in Section 20.

23. Nonconforming signs. A. Changes which reduce the degree of nonconformity (i.e., cabinet or copy size/overall height reductions, sight triangle corrections, or encroachments on the public right of way) shall be permitted as long as the original structure has not become structurally unsound and the site has maintained continuous service to customers and/or clientele.

B. Sign face changes and routine maintenance, not involving structural alterations or cabinet removal, shall be permitted for sites which have maintained continuous service to customers and/or clientele.

C. Nonconforming signs and sign structures shall lose their legal nonconforming status and must be removed if any of the following situations occur:

1. A sign cabinet, face, or structure is removed, refurbished, replaced, or relocated without prior approval by the Planning and Zoning department. In the case of signs which require removal or repair, replacement must occur within ninety days in order to maintain compliance.

2. The message of the sign has not correctly identified a site or business for over one hundred and eighty days.

3. A new business or use has moved to the site and refurbishing the signage exceeds fifty percent of the replacement costs.

4. A sign has been improperly maintained or has become structurally unsound.

5. Additional signage, of any type, is proposed for the site in question.

24. Removal of nonconforming signs. Nonconforming sign structures shall be removed by the owner of the building or lot to which they are affixed within one-hundred eighty days after loss of conformity. If the sign(s) is not removed during this allotted period, the city shall remove them at the property owner's expense.

25. Inspection, responsibility for unsafe and unlawful signs. If a city inspector shall find that any sign regulated in this chapter is unsafe or insecure, or has been constructed or erected in violation of the provisions of this chapter, he/she shall submit written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the herein set forth conditions within fifteen days after such notice, such sign may be removed or altered by the city at the expense of the permittee or owner of the property upon which the sign is located.

26. Penalties. A. A violation of any of the provisions of this chapter shall be a misdemeanor violation and upon conviction a defendant shall be subject to a fine of not more than three hundred dollars, or imprisonment for up to six months, or both.

B. Each day on which the violation occurs shall be deemed a separate offense.

27. Civil enforcement. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise. These remedies shall be in addition to any other penalties described in this chapter.

CHAPTER XI - DEFINITIONS

A. What This Chapter Does. This chapter provides definitions for important terms used in this ordinance. Any dispute about the meaning of a term used in this ordinance shall be resolved using the appeals procedure of III.N. (pg. 16 & 17)

B. Definitional Rules. Terms include both singular and plural forms; i.e. building includes buildings, and, except where otherwise indicated, terms include their derivatives; i.e. adjacent includes adjoining.

C. Accessory Buildings and Uses. Accessory buildings and uses are those customarily associated with and clearly subordinate to a principal building or use. An accessory apartment is an independent (separate entrance, bathroom, kitchen) living unit within a single family dwelling permitted by this ordinance that is maintained solely for the use of family members.

D. Adjacent. As used in this ordinance, adjacent includes all parcels that directly border a lot and all parcels separated from the lot by only a public or private easement or right-of-way, including roads and irrigation canals.

E. Administrator. The zoning administrator established by II.D. (pg. 6)

F. Building. Any structure, except a fence.

G. Building Bulk. Building bulk may be measured and compared in terms of floor area ratio (the total square footage of all floors as a percent of lot size) or similar measures.

H. Building Height. The vertical distance from the base of a building to the highest point of a building. Building height excludes chimneys, vents and antennae.

I. City. The City of Salmon, Idaho.

J. Clear Vision Triangle. The area that provides the visibility required for safe access to streets. Clear vision triangles are determined as follows:

1. At street intersections: the clear vision triangle includes the area defined by extending a line between two points, one on each lot line paralleling the street, each of which is 20 feet from the lot corner at the intersection; and
2. At other points of access: the clear vision triangle includes the area defined by extending a line between two points, one on the lot line paralleling the street, and one on the outer edge of the driveway, each of which is 15 feet from the point where the driveway crosses the lot line.

K. Commercial. Includes all land uses in SLUC 4923 and 4924, 52-59, 61-69, 71-79, and 8221, except that any use in SLUC 639, 64, 66, 72-79, or 8221 that includes an outdoor or only partially enclosed work and/or materials handling and/or storage yard of more than 10,000 square feet. All such uses shall be considered industrial.

L. Commission. The planning and zoning commission of the City of Salmon established by II.B. (pg. 6)

M. Compatibility. Land uses need not be identical to be compatible, but must be sited, designed, constructed, and used in such a way that the normal functions and operation of neighboring uses do not seriously conflict, and so that their appearance is harmonious. Compatibility shall be assessed using the standards of VI.R. (pg. 45)

N. Comprehensive Plan. The comprehensive plan of the City of Salmon.

O. Conditional Use. A use not allowed in a zoning district as a matter of right but which is allowed upon findings of the commission and council that such use is in harmony with the existing principal uses of the district.

P. Council. The elected governing board of the city of Salmon.

Q. Density. The number of dwelling units per gross acre. Gross acreage includes the entire development (adjoining roads to the centerline, internal roads, common open spaces, etc...). Density is not synonymous with lot size.

R. Development. Development is used as a generic term to cover any new activity regulated by this ordinance. The developer is, by definition, the owner of the parcel on which a development has been proposed, who may appoint a representative for proceedings required by this ordinance.

S. Effective. An effective buffer complies with the performance standards of VI.Q. (pg. 45) and Appendix F (pg. 110).

T. EPCRA. The Emergency Planning and Community Right-To-Know Act of 1986. Refers to 42 USC 1101-11050, as amended.

U. Floodplain. See Appendix A, pg. 92, for all definitions specifically relating to floodplains.

V. Grandfathered. Shall mean non-conforming use.

W. Hazardous Substances. Any material regulated by EPCRA.

X. Higher Density Residential Use. Any residential use that is designed for occupancy by more than one family. Includes, without distinctions, apartments, condominiums, duplexes, townhouses, and all other forms of attached housing.

Y. Home Occupation. A commercial activity conducted in a dwelling or a building accessory to a dwelling. Home occupations, by definition, comply with the performance standards of Appendix C (pg. 101).

Z. Industrial. Includes all land uses in SLUC 21-51, 637, and 82-89, plus any use defined as industrial by IX.K. except: SLUC 4923 and 4924.

AA. Large Scale Development. Any subdivision or land use change, or group of subdivisions or land use changes created from the same parcel, that includes more than 100 proposed dwelling units or that potentially generates more than 250 automobile trips per day at peak occupancy.

BB. Livestock. Cattle, goats, horses, llamas, or sheep kept for personal pleasure or consumption.

CC. Local Planning Act. Also Local Planning Act of 1975. Refers to I.C. 67-6501 through I.C. 67-6537, and subsequent amendments.

DD. Lot Coverage. For the purposes of this ordinance, lot is used as both as a generic term for a development site, and to refer to any parcel of land created and described by a record of survey or plat.

EE. Lot Coverage. Lot coverage is the percent of the lot covered by structures, including the main and all accessory buildings.

FF. Lot Split. Creation of any parcel of land of less than 20 acres for the purpose of sale, lease, rental, or development.

GG. Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is designed to be placed on a permanent foundation, permanently connected to required utilities, and used as a permanent dwelling unit. A manufactured home park is any lot used for occupancy by manufactured homes that will not be placed on a permanent foundation.

HH. Minor Utility Installations. Includes cable television, electric power, and telephone cables and transmission lines, and natural gas pipelines that serve the area through which they are **routed**. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines. Other utility installations are industrial uses.

II. Minimize. For the purposes of this ordinance, "to minimize" the number of access points means to show that no alternative site plan for a proposed development will result in a smaller number of access points.

JJ. Non-conforming. Term used to describe any use or building that was in existence on the effective date of this Ordinance that does not comply with its requirements. Grandfathered shall also mean non-conforming.

KK.. Occupancy. The use of a building or lot. Occupancies are classified using the Standard Land Use Coding System (SLUC).

LL. Outdoor Material Handling or Storage. Stockpiling, storage, processing, or packaging of materials for any reason (it need not be for commercial use), including the long term storage of construction materials and inoperative machinery or vehicles, that is not enclosed in a building and that is visible from a public street.

MM. Plat. The legal map of a subdivision.

NN. Setback. The distance between the property line and the outer wall of the building on the same lot.

1. Additions and alterations to existing nonconforming buildings may align with the present front yard setback, all other setbacks shall be adhered to. Freestanding structures shall be required to meet the 25 foot setback requirement.

OO. Sign. Any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols.

PP. Single Family Dwelling. A detached building designed for occupancy by one family. Also includes, as required by I.C. 67-6530-6532, Any home in which eight or fewer unrelated mentally and/or physically handicapped persons reside; and which is supervised@. Includes both conventional dwellings and manufactured homes that:

1. Comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the Uniform Building Code;
2. Have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation; and
3. A recreational vehicle or (in the LDR) a manufactured home of less than 18 feet in width may be used as a temporary single family dwelling to replace a home, provided that construction is started within 12 months and finished within 18 months from the time the

permits are issued.

4. Are permanently connected to city utilities. Exception: RV=s, see #5 below.

5. A recreational vehicle may be used as a temporary single family dwelling on an approved lot. The request shall be processed as an application for a conditional use permit.

a. Approval will grant the temporary placement of a recreational vehicle on a conforming lot for a period of 210 days. Extensions are granted by a vote of the City Planning & Zoning Commission, and are for up to 150 days.

b. A placement permit may be renewed each year with a fee of \$45.00 which will cover yearly inspections. Separate permits may be required for electrical and plumbing inspections. If the use ceases for more than 18 months, the conditional use permit will be considered abandoned. Permits are not rentable or transferable. The lot must be owner occupied.

c. The lot must be landscaped and maintained all year. (See IX.L pg. 56-57) Failure to comply will result in revocation of the permit.

QQ. Site Plan. A site plan illustrates all those details of a proposed development needed to demonstrate compliance with this ordinance, including the location of existing and proposed property lines, easements, buildings, parking areas and points of access to streets, streets, sidewalks, buffers and other measures designed to mitigate potential nuisances, signs, and other features of the site.

RR. Sketch Plan. A sketch plan is a general or conceptual site plan of a development. It must include the approximate location of all lot lines and streets, the approximate location and exterior dimensions all structures, the approximate location, size, and circulation pattern of all parking areas, and the approximate location and dimensions of all landscaped buffers.

SS. Solar Access Plan. A solar access plan is presented in the form of an overlay on a preliminary plat and accompanying drawings. The solar access plan identifies all solar lots in the subdivision and illustrates building envelope or setback standards required to assure solar access to dwellings on the solar lots between the hours of 10:00 A.M. and 2:00 P.M. on the winter solstice.

TT. Solid Waste. Material being stored, packaged, or processed for ultimate disposal or recycling. For the purposes of this ordinance, the waste normally generated by a farming operation (crop stubble and residue, manure, etc.) is not solid waste.

UU. Standard Land Use Code. Abbreviated SLUC. The standard land use code is a method of classifying land uses adapted from the Standard Land Use Coding Manual, U.S. Department of Transportation, Federal Highway Administration, as reprinted in March 1977.

VV. Subdivision. Division of a parcel into more than two lots or parcels of less than 20 acres for the purpose of sale, lease, rental, or development.

WW. Variance. According to I.C. 67-6516, "A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of structure or the placement of the structure upon lots, or the size of lots." Land use cannot, by definition, be varied.

XX. Yard. An open unoccupied space, other than a court, unobstructed from the ground to the sky, between a lot line and building line.

Yard Front – A yard extending the full width of the front of a lot between the front (street) right-of-way line and the front building line.

Yard Rear – A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard Side – A yard extending the full length of the lot in the area between a side lot line and a side building line.

CHAPTER XII - PLANNED UNIT DEVELOPMENT (PUD)

1. PURPOSE

To promote creative and attractive high quality mixed use development. To provide a streamlined process for greater manageability of projects that allow for a mixture of uses compatible with the traditional mix of uses in the area. Because of their unusual or special characteristics, a PUD shall be considered a Special Use subject to final approval by the City Council.

PUD's encourage developments to provide:

- A development pattern which preserves and utilizes natural topographic and geologic features, scenic vistas, vegetation and wildlife habitat, and avoids the disruption of natural drainage patterns.
- A greater diversity of living environments with a mixed variety of housing types, densities and uses.
- A more efficient use of the land than may be achieved through conventional zoning and subdivisions.
- Convenience of location for open space, recreation and commercial areas for local residents.
- Compatibility of uses that are interrelated.
- Preservation of productive agricultural lands.
- Socially desirable objectives to meet community needs not otherwise feasible under conventional zoning.

2. AUTHORITY

A Planned Unit Development may be processed and permitted as a Special Use Permit pursuant to Idaho Code Title 67- Chapter 6515 and Title 67 - Chapter 6512.

3. DEFINITIONS

Planned Unit Development (PUD) – An area of land in which a mixed variety of residential, commercial, industrial, and other land uses are identified as a comprehensive development strategy. Such an area may be approved as an overlay on the existing zoning district.

4. PROCEDURES

- a) A PUD shall follow Chapter III (I) Special Use Permit procedures and Chapter III (G) Subdivision procedures. In the event of conflict between this chapter and any other provision of the Salmon Development Code, this chapter shall control. All PUD's shall conform to the special use performance standards applicable to the underlying zone unless otherwise specified by this ordinance.
- b) A PUD may be permitted pursuant to the provisions of Chapter II(I) Special Use Permits and Chapter VI-Performance Standards applicable to all developments.

1. Planning Commission Action:

- a) The Planning and Zoning Commission shall conduct a public hearing pursuant to Chapter III (I) – Special Use Permits. If a PUD necessitates any division of land, an application for a subdivision and a preliminary plat shall be reviewed by the Planning and Zoning Commission concurrently with the application for the PUD.
- b) No public hearing will be conducted if the applicant is not present.
- c) The Planning and Zoning Commission shall determine whether the application is in compliance with the comprehensive plan, the underlying zoning district, this ordinance and the Salmon Development Code, and may recommend in a Record of Decision to approve, approve with conditions, or disapprove the application and preliminary plat.

2. City Council Action:

- a) The Zoning Administrator shall forward the Planning and Zoning Commission’s Record of Decision to the applicant and City Council. The City Council shall then hold a public hearing for a final decision. The City Council shall consider the Record of Decision and the preliminary plat, and any additional testimony. The Council shall have the right to request further information deemed necessary at any time during the proceedings. The application for a PUD and preliminary plat may be approved, approved with conditions, or disapproved by the City Council.
- b) In the event of an unfavorable recommendation by the P&Z, but the Council subsequently made favorable findings, the Council may approve the application or remand the proceedings back to the Planning and Zoning Commission for further findings and clarification.
- c) If remanded back to the P&Z by Council, an unfavorable decision by the P&Z may then be appealed to the City Council pursuant to Chapter III(N) – Appeals.
- d) During the public hearing process, the Council shall make its own findings of fact and reasons to determine:
 1. Whether the PUD will be harmonious with the surrounding neighborhood; and
 2. Whether the PUD generally complies with applicable components of the Salmon Comprehensive Plan and Salmon Development Code; and
 3. Whether the PUD is reasonably necessary for the orderly development of the city.

3. Preliminary and Final Plat approval criteria:

- a) After approval of a PUD Special Use Permit and preliminary plat of the subdivision, and upon satisfaction with the terms and conditions of the Special Use Permit and Chapter IX

- Required Improvements, the applicant shall file a final plat for the PUD with the Zoning Administrator in accordance with the terms and conditions of Chapter IX.
- b) If approved as a phased development, a preliminary plat and final plat shall be filed for each stage of development in conformance with the approved PUD and development plan. All conditions of preliminary plat approval shall be satisfied prior to filing the final plat.
- c) The City Council shall review the final plat to determine whether it complies with the conditions of approval of the SUP. If Council determines the final plat satisfies all requirements and conditions of the PUD approval, it shall approve the final plat.
- d) The Council cannot attach new conditions on a final plat nor deny a final plat for reasons not presented during the PUD Special Use Permit and preliminary plat review process. For final plat approval, the developer need only demonstrate to Council that it has met all conditions attached to preliminary plat approval.

4. Change in Development Plan:

In the event a subsequent development proposal materially or substantially differs from the development shown in the approved PUD, the PUD may be revoked or denied. Any changes or additions to the approved development plan and plat shall necessitate Planning and Zoning Commission and City Council approval pursuant to the procedures described above.

5. APPLICATION PROCESS

1. Pre-application conference required:

A pre-application conference(s) with the Zoning Administrator, City Administrator and other affected departments, committees and agencies is required to discuss criteria for a PUD. There is no cost for this service. Please schedule your meeting at least two weeks in advance to allow the administrator(s) to contact these departments and agencies. As at this conference, the applicant(s) will present a conceptual design and scale of the project and an estimate of their cost for street improvements and required infrastructure for the development.

2. General Qualifications for Application Completeness:

- a) Where an application for a PUD is initiated by the owner or agent of the owner of the property(s), the application shall be authorized by signature of the owner(s) of the property(s).
- b) A completed application, supporting materials, and fee shall be filed with the Zoning Administrator by the owner of the real property or by at least one holder of an interest in real property for which the PUD is proposed. Incomplete applications will not be accepted, and will cause delay in the processing and scheduling of the public hearing.

- c) Upon submittal of an application, the Zoning Administrator will determine the application for completeness. If an application is determined to be incomplete, the
- d) administrator shall contact the applicant and request the materials necessary for completeness.
- e) Upon determining the application to be complete, the Zoning Administrator shall schedule the application for a public hearing with the Planning and Zoning Commission.

6. TIME LIMITATION

- a) No request for a PUD shall be considered by a review body within a one year period immediately following a previous denial of such request.
- b) A permit for a PUD will become null and void if all development permits and building permits have not been approved and development has not progressed within two (2) years of the date of City Council approval, or if development permits or building permits have expired.
- c) A permit for a PUD will be limited to 3 (three) consecutive one year time extensions. Requests for extensions of time shall be reviewed administratively. A fee of one hundred fifty dollars (\$150.00) for a time extension shall be established by resolution.

Requests for time extensions shall be based on the following criteria:

- The nature of the project and original conditions of permit approval.
- Development is unable to occur due to circumstances beyond the control of the owner.

7. ZONING DESIGNATION

- a) A PUD may be approved as an overlay of the existing zoning designation. The City shall, concurrently with the application for a PUD, consider the underlying City zoning designation(s) consistent with the requirements (including notice provisions) and standards of the Salmon Development Code.
- b) In the event that a proposal for a PUD deviates substantially from the required density and permitted uses of the underlying zoning district, the P&Z may consider an application for a zone change concurrently with an application for the PUD.
- c) Pursuant to Salmon Development Code Chapter V. - Table V.1 – any PUD proposed in an Agricultural Zoning District shall necessitate change of zoning designation.

8. GENERAL CRITERIA:

- a) The property must be within the City limits; and
- b) Must front existing public right of way(s), or provide public access to public right-of-way(s).

- c) Must be within three hundred (300) feet of serviceable city water distribution *and/or* sewage collection lines; or already be connected to city water and sewer lines, and
- d) Street circulation must be compatible with the Transportation Master Plan or future transportation plans. Traffic patterns shall enhance the connectivity of existing and proposed transportation systems. If the PUD is part of a master plan for future development, include future conceptual street circulation.
- e) A PUD may not be established on less than 3 acres unless the Planning and Zoning Commission finds that the property is otherwise suitable due to its unique location, character, topography, or other natural features, or is of sufficient size to be consistent with the intent of this chapter.
- f) All PUD's shall comply with all applicable criteria of Chapter III (G) Subdivision Permits, Chapter VI - Performance Standards, Chapter VII Lot Split and Subdivision Regulations, and Appendix G –Platting of Lot Spits and Subdivisions, Chapter IX – Required Improvements, and all other applicable criteria of the Salmon Development Code.
- g) A PUD may be allowed in any underlying zone within the City Limits. However, uses in the PUD shall not vary significantly from uses permitted in the underlying zone; and
- h) The proposal is supported by specific studies and other factual information which addresses the potential impacts to the city; and
- i) The PUD must comply with all applicable components of the Salmon Comprehensive Plan and Salmon Development Code.

9. DEVELOPMENT AGREEMENT

- a) A Development Agreement shall be signed prior approval of the Special Use Permit for the PUD. All development shall comply with applicable criteria enumerated in Salmon Development Code Chapter IX-Required Improvements.
- b) As specified by the City Administrator, the city may retain an independent engineer, surveyor or fiscal consultant to assure compliance with design and engineering requirements and specifications and charge the applicant for those services.

10. MIXED USES PERMITTED:

Any mixture of residential, commercial or industrial uses that are compatible with the traditional mix of uses in the surrounding area and do not exceed the intensity of established uses in the area.

11. DENSITY REQUIREMENTS:

Density of PUD developments shall conform to the required density of the underlying zone with respect to uses allowed as a Special Use Permit, unless the Planning and Zoning Commission otherwise finds that the property is otherwise suitable due to its unique location, character,

topography, or other natural features, or is of sufficient size to be consistent with the intent of this chapter, or if the P&Z awards density bonuses.

12. OPEN SPACE:

Open spaces may be required as a condition of approval. Open spaces may be provided in the form of common areas, natural areas, green space, golf courses, wetlands, playgrounds, or recreational areas that are not so intensive that they detract from the esthetic character of the surrounding landscape. Density bonuses may be awarded for open space.

13. DENSITY BONUSES:

1. Criteria for Density bonuses:

Bonuses may be awarded by the P&Z in the form of relaxed setbacks, smaller lot sizes, streets less than the required width, or other code requirements that do not compromise the health, safety and welfare of the city if:

- a) At least 10 percent of the project is dedicated to open space; and
- b) The open space results in minimal or slight site disturbance; and
- c) The project integrates harmoniously with the city transportation and trails plan.
- d) Architectural and landscape design is compatible and interrelated with existing uses in the area.
- e) If the properties involved with the project abut or access either the Salmon River or Lemhi River waterways, the project results in the enhancement of said waterways and their tributaries, to include stream bank restoration and public access to and/or along the waterway.
- f) The project integrates dark sky design in the form of shielded or minimal lighting that incorporates innovative technologies.
- g) Residential uses that comply with federal EPA “Energy Star” program or Leadership in Energy and Environmental Design – Homes (LEED-H) standards for basic certification.
- h) Non-residential uses that comply with Leadership in Energy and Environmental Design (LEED) standards for basic certification.

2. Density bonuses awarded by the P&Z:

- a) A maximum 15% density bonus may be awarded if a landscape architecture plan and an architectural design plan integrates and enhances the esthetic value of surrounding landscape and promotes conservation of natural resources.

- b) A maximum 15%_density bonus may be awarded if considerations for solar access to residential, commercial or industrial buildings have been incorporated into the project.
- c) A maximum 15% density bonus may be awarded for consideration of flow-through traffic patterns that promote and enhance the connectivity of the city transportation system, including easements and right-of-ways for public access to public lands and rivers and other natural resources.

14. REQUIREMENTS FOR SUBMITTAL:

- a) **Application and fees:** Five hundred dollars for the Special Use Permit PUD. One thousand dollars (\$1,000.00) dollars for the subdivision. In the event an application for a PUD is approved, the applicant will be required to pay for all costs associated with approval of the PUD and the preparation of the legal description and a map prepared by a licensed surveyor that designates the boundaries of the subject property(s).
- b) A statement of the purpose for the PUD.
- c) A preliminary plat for the subdivision. A survey of any proposed land division is not required as part of a preliminary plat. See Appendix G - Platting Requirements.
- d) A Legal description of the subdivision for the PUD shall be submitted on a computer disk and hard “paper“ copy upon submittal of the Final Plat.
- e) A development plan or site plan of the PUD showing location of proposed development and open space(s).
- f) An architectural design plan of the proposed structural and building development.
- g) A landscape architecture plan.
- h) The application and signed affidavit of ownership shall include the owner and agent of the owner, and all holders of title interest within the PUD.
- i) A title report and/or warranty deed of the property(s).
- j) Existing or proposed deed restrictions on the property(s), if any.
- k) A list of names and mailing addresses of all property owners within 300’ of the external boundaries of the PUD and the names and mailing addresses of all easement holders within the PUD.
- l) A description and map(s) of the proposed area, including:
 - 1. A vicinity map drawn at a scale of 1” equals 1000’ identifying the location of the PUD.

2. Contour map depicting slope lines measured at two foot (2') intervals for slopes between 0 and 10 percent. Five (5) foot contour intervals for slopes exceeding 10 percent.
 3. The size of the PUD in square footage or acres.
 4. FEMA Flood Insurance Rate Maps showing delineation of floodplain boundaries and elevations. In the event that base flood elevations and boundaries are not delineated, such information shall be provided on the Final Plat as require in Appendix G(f).
 5. Approximate direction of surface water drainage.
 6. If applicable, a wetlands delineation map.
 7. Location of existing domestic and irrigation wells.
 8. Evidence that the applicant has contacted District 7 Health to regarding locations of existing septic systems.
 9. Evidence that the applicant has contacted the Idaho Department of Water Resources concerning groundwater levels and supporting documentation of those groundwater levels.
 10. A soils map and narrative describing the Natural Resources Conservation Service (NRCS) soils classification of the project area. A soils analysis may be required.
 11. A list of names and mailing addresses of all holders of water rights identified within the PUD and all downstream holders of water rights affected by the PUD.
 12. A map identifying all rivers, streams, drainages, canals, drains, ditches and other watercourses within the PUD, including:
 - Identification of irrigation districts and provisions for delivering irrigation water to the proposed development.
 - Identification of all rivers, streams, drainages, canals, drains, ditches, culverts, wells and other watercourses used in the transportation and/or conveyance of water to any holders of water rights identified within the PUD and/or downstream of the PUD.
- m) Findings which address:
1. How the PUD departs from the zoning district requirements.
 2. How the PUD is compatible with the traditional mix of uses in the area.
 3. How the proposed uses are compatible with uses permitted in the underlying zone.

4. Consistency with all applicable components of the Salmon Comprehensive Plan and Salmon Development Code.
 5. Municipal service impacts and needs. The applicant shall describe how the PUD will provide and maintain the required infrastructure needed to serve the occupants.
 6. Traffic Impacts Analysis: As specified by the City Administrator, an analysis addressing the potential traffic impacts may need to be prepared by a professional traffic engineering consultant.
 7. The PUD shall be compatible with the City Transportation Master Plan or future city/county transportation plans.
 8. Provisions for open space and recreation (trails, fishing, golf etc.)
 9. How applicable natural resources and natural hazards are incorporated into the proposed project and/or mitigation.
 10. Impact of public school capacity and associated student transportation (busing, pedestrian, bicycle or otherwise) considerations.
 11. How the PUD will benefit the economic base of the area including employment, industries, economies, jobs, and income levels.
 12. Provisions for additional revenues, if any, available to the City as a result of the PUD.
 13. If applicable, a Level I environmental study showing the presence of any hazardous waste.
- n) If part of a phased development, a phasing plan of the PUD showing a development time table showing phased construction for infrastructure, streets, alleys, utilities and all other development. If the PUD is part of a master plan for future development, include future conceptual street circulation and subdivision configuration.
 - o) An estimate of the developers cost for extension of water and sewer service and street improvements to the property to be developed.
 - p) Provisions for the mitigation of track out during all phases of construction.

APPENDIX A - DETAILED PERFORMANCE STANDARDS FOR DEVELOPMENT IN THE FLOODPLAIN AND OPEN SPACE OVERLAY ZONING DISTRICT

1. Purpose. Minimizing potential flood hazards and maintaining wildlife habitat and open space values along the Salmon River, Lemhi River, and Jesse Creek are important goals of the comprehensive plan. Limited development may be permitted in the Floodplain and Open Space (FOS) Overlay Zoning District, however, and this appendix adopts the administrative procedures and performance standards required for Salmon's participation in the National Flood Insurance Program. The provisions of this appendix apply to all development in the FOS Overlay Zoning District, which includes all special flood hazard areas identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map of the City of Salmon.

Division 1 - Administration of Federal Flood Insurance Program Requirements

2. Permit Required. A permit to develop in the Flood Plain is required for all development in the FOS Overlay Zoning District. For the purposes of this appendix and the FOS Overlay Zoning District, development shall include any activity that may potentially affect flood flows. This includes all land disturbance (including grading and the construction of fills for any purpose) as well as all building construction.

3. Warning/Disclaimer of Liability. All applicants for permits in the FOS Overlay Zoning District shall sign an acknowledgement stating:

1. I understand that, while the degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, larger floods can and will occur.
2. I understand that projected flood levels may be increased by man-made or natural causes.
3. I understand that this ordinance does not imply that land outside the area of special flood hazard or uses permitted within such areas will be free from flooding or flood damage.
4. I understand that this ordinance does not create any liability on the part of the city or any officer or employee thereof, or on the part of the Federal Insurance Administration, for flood damages.

4. Additional Application Requirements. All applications for permits in the FOS Overlay Zoning District shall be accompanied by the following information:

- a. Elevation of the lowest floor of all proposed buildings;
- b. Elevation to which any existing or proposed building has been or will be floodproofed.
- c. For all buildings other than a single family dwelling: certification by an engineer or architect that the floodproofing methods used comply with these performance standards.
- d. Where alteration of a watercourse is proposed: a description of the extent to which the watercourse will be altered or relocated as a result of the proposed development and proof that all state or federal permits required for that alteration have been approved.
- e. Where base flood elevation data are not available through the flood insurance study or from another authoritative source, applications must be reviewed to assure that the proposed construction will be reasonably safe from flooding. This determination of reasonableness shall be based on evidence submitted with the application by the developer, including historical flood records, including photographs of past flood events and similar documentation. The minimum elevation above grade in such cases shall be two feet. Certain developments must provide base flood data, as required by A.4. f.
- f. The developer shall provide the base flood elevation data for all subdivisions or special uses that include 50 or more lots or dwelling units or 5 or more acres.
- g. Liquid and natural gas storage facilities must comply with the National Flood Insurance requirements.

5. Duties of the Administrator. The administrator shall serve as the local floodplain ordinance administrator and perform the duties listed below:

- a. Determine that all required state and/or federal permits have been obtained before reviewing any application for a permit in the FOS Overlay Zoning District.
- b. Where base flood elevation data are not provided by FEMA: obtain and reasonably utilize any base flood elevation and floodway data available from state, federal, or other sources as a basis for the administration of these performance standards.
- c. Maintain a record of the actual elevation of the lowest floor of all new or substantially improved buildings, and whether or not the building contains a basement.
- d. Maintain a record of floodproofing certifications required by A.4.c.(pg. 93)

e. Notify Lemhi County and the Idaho Department of Water Resources prior to the alteration or relocation of a watercourse, and submit evidence of that notification to the Federal Insurance Administration.

f. Maintain records of appeal actions and report all variances allowed to the Federal Insurance Administration.

Division 2 - Performance Standards for Special Flood Hazard Areas

6. Anchoring.

a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement.

b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, the use of over-the-top or frame ties to ground anchors.

7. Construction Materials and Methods.

a. New construction and substantial improvements shall be constructed with materials and utility equipment that is resistant to flood damage, and using methods and practices that minimize flood damage.

b. All electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed, or elevated, or located, so as to prevent water from entering or accumulating within their components during flooding.

8. Utilities and Solid Waste.

a. New and replacement potable water systems shall be designed to eliminate infiltration of flood waters into the system.

b. New and replacement sewage disposal systems shall be designed to eliminate infiltration of flood waters into the system and discharge from the system into flood waters.

c. Solid waste handling and storage facilities shall not be located in the FOS Overlay Zoning District.

9. Hazardous Substances. Storage and handling of hazardous substances in the FOS Overlay Zoning District is prohibited.

10. Site Planning. Design and construction of all subdivisions and uses for which a permit is required shall minimize flood damage. Utilities shall be located and designed to minimize flood damage, and the site shall be graded and drained to guide floodwaters around and away from existing and/or proposed buildings.

11. Residential Development.

a. Construction or substantial improvement of any dwelling shall result in the lowest floor being elevated to or above base flood elevation.

b. Fully enclosed areas below the lowest floor are prohibited, except where designed to automatically equalize hydrostatic forces on exterior walls by allowing for entry and exit of flood waters. Designs for meeting this requirement shall either be certified by an engineer or architect, or meet the following minimum standards: 1. a minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided; 2. the bottom of such openings shall be no higher than one foot above grade; and 3. such openings may be equipped with screens, louvers, or other coverings or devices, provided they permit automatic entry and exit of floodwaters.

12. Nonresidential Development. Construction or substantial improvement of any nonresidential building shall result in the lowest floor being elevated to or above base flood elevation or, together with the attendant utility and sanitary facilities, shall:

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

b. Be designed and constructed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

c. Present a certification from an engineer or architect that the design and methods of construction comply with accepted standards of practice for meeting the performance standards of this ordinance.

d. Meet the performance standard of Appendix A., Division 2-11(b) for enclosed spaces below the lowest floor.

e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.

13. Manufactured Homes. Manufactured homes that are placed, replaced, or substantially improved within the FOS Overlay Zoning District shall be elevated on and securely anchored to a

permanent foundation, so that the lowest floor is at or above base flood elevation. Manufactured home (mobile home) parks are not permitted in the FOS Overlay Zoning District.

14. Floodways. The floodway is a hazardous area due to the velocity of flood waters which carry debris and potential projectiles, and due to the high erosion potential. Encroachments into the floodway, including fill, new construction, substantial improvements, and other development is prohibited, unless an engineer or architect certifies that the encroachment will not result in any increase in the flood level during the base flood discharge.

15. Maintenance of Flood Capacity. Continuing maintenance to prevent the reduction of flood carrying capacity in altered or relocated watercourses shall be required.

16. Areas of Shallow Flooding (AO Zones).

a. Construction and substantial improvement of dwellings in AO zones shall result in the lowest floor being elevated above the highest adjacent grade of the building site to or above the depth number specified on the FIRM or to at least two feet, where no depth number is specified.

b. All new construction and substantial improvement of nonresidential buildings in AO zones shall: 1. be graded and drained to guide floodwaters around and away from existing and/or proposed buildings; and 2. have the lowest floor elevated above the highest adjacent grade of the building site to or above the depth number specified on the FIRM or, where no depth number is specified, to at least two feet above the highest adjacent grade; or 3. together with its attendant utility and sanitary facilities, be floodproofed so that any space below that level is watertight, with substantially impermeable walls and structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Compliance shall be certified by an engineer or architect.

Division 3 - Variances in the FOS Overlay Zoning District

17. Additional Finding for Variances. The approval of any variance in the FOS Overlay Zoning District shall be based on all findings required by III.O. (pg. 17-18) and the additional finding that approval of the variance will not result in increased flood levels, a threat to public safety, or extraordinary public expense.

18. Variance Notice. Where a variance of the requirements of this appendix is approved, the administrator's notice of the decision shall state that the city is not liable for any flood damages that result from the variance. Where a variance of the elevation requirements of this appendix is approved, the administrator shall also notify the developer that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**Division 4 - Definitions Needed for the Administration
of this Appendix**

19. Area of Shallow Flooding. An AO or AH Zone on the Flood Insurance Rate Map (FIRM). In these areas, base flood depth ranges from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

20. Area of Special Flood Hazard. Land subject to a one percent or greater chance of flooding in any given year. Designation on the Flood Insurance Rate Map (FIRM) always includes the letters A or V.

21. Base Flood. The flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood."

22. Flood. Partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

23. Flood Insurance Rate Map. Abbreviated FIRM. The official map on which the Federal Insurance Administration has delineated areas of special flood hazard and risk premium zones applicable to the city and its area of impact.

24. Flood Insurance Study. The official report of the Federal Insurance Administration, including flood profiles, flood boundary maps, and the water surface elevation of the base flood.

25. Floodway. The channel of a river or other watercourse and any adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

26. Lowest Floor. The lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that it does not place the building in violation of the non-elevation design requirements of this appendix.

27. Manufactured Home. Within the FOS Overlay Zoning District, for floodplain management purposes, the definition of "manufactured home" shall be expanded to include recreational vehicles, travel trailers, and similar vehicles or trailers that are left in place for 180 or more consecutive days. Recreational vehicles, travel trailers, and similar vehicles or trailers are not manufactured homes for flood insurance purposes.

28. Manufactured Home Park. Within the FOS Overlay Zoning District, for floodplain management purposes, a manufactured home park is any lot or parcel used for the purpose of renting or leasing two or more manufactured home spaces.

29. New Construction. Buildings for which the "start of construction" was on or after the effective date of this ordinance.

30. Start of Construction. Applies to both substantial improvements and new construction and means: the date a permit was issued, provided the actual start of construction, repairs, placement, or other improvements was within 180 days of the permit date. "Actual start" means either the first placement of permanent construction on a site, such as pouring a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation OR the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways,

nor does it include excavation for a basement, footings, piers, or foundation, or erection of temporary forms; nor does it include installation of accessory buildings.

31. Structure. See XI.F. (pg. 77)

32. Substantial Improvement. Repair, reconstruction, or improvement of a building, the cost of which equals or exceeds 50 percent of the building's market value either before the improvement or repair is started, or where the building has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects its external dimensions. The term does not include any project for the improvement of a building required to comply with state or local codes assuring safe living conditions.

33. Wetlands. Wetlands shall be as defined in the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

APPENDIX B - MODEL HEARING NOTICES

1. Purpose. The purpose of this appendix is provide models for the hearing notices required by this ordinance.

2. Notice for Subdivision Permit Application Hearing.

PUBLIC HEARING NOTICE - SUBDIVISION

John and Jane Doe of P.O. Box 22, Salmon, Id. 83467 propose to subdivide the E 2 of the SE 1/4, SW 1/4 of Section 8, T. ?? N., R ?? E.B.M. into 56 residential lots. The average density of this development will be approximately 2.8 dwelling units per acre. The property is located on the east side of U.S. Highway 93, south of Bean Road. The present land use is pasture.

The Salmon Planning and Zoning Commission will conduct a hearing on this proposal at 7:15 P.M., Tuesday, September 12, 1995 at the city council chambers, 200 Main, in Salmon. A copy of the application is available for public review at the Salmon Zoning Administrator's Office. Public comment is encouraged.

3. Notice for Special Use Permit Application Hearing.

PUBLIC HEARING NOTICE -SPECIAL USE PERMIT

The Wave Kayak Corporation of P.O. Box 32, Salmon, Id. 83467 proposes to construct a kayak storage warehouse in the HC zoning district at 10000 South Highway 93, on Lot 9, Block 9 of the South Subdivision. The proposed warehouse will be on a parcel of .5 acres and include 10,000 square feet. The present land use is vacant.

The Salmon Planning and Zoning Commission will conduct a hearing on this proposal at 7:15 P.M., Tuesday, September 12, 1995 at the city council chambers, 200 Main, in Salmon. A copy of the application is available for public review at the Salmon Zoning Administrator's Office. Public comment is encouraged.

4. Notice of Variance Hearing.

PUBLIC HEARING NOTICE - VARIANCE

Mr. and Mrs. J. Smith of P.O. Box 999, Salmon, Id. 83467 have applied for a variance of Section ???.???. of the Salmon Development Ordinance. This proposed variance would permit a 2 foot encroachment for the construction of a deck in the required front yard setback along Lynx Street. The property is located at 899 West Lynx, Lots 5 and 6, Block 1 of the Next Addition to the City of Salmon.

The Salmon Planning and Zoning Commission will conduct a hearing on this proposal at 7:15 P.M., Tuesday, September 12, 1995 at the city council chambers, 200 Main, in Salmon. A copy of the application is available for public review at the Salmon Zoning Administrator's Office. Public comment is encouraged.

5. Notice for Zoning Amendment Hearing.

PUBLIC HEARING NOTICE - ZONING MAP AMENDMENT

American Mining Materials, Ltd. of P.O. Box 66559, Salmon, Id. 83467, has requested that the zoning of Lots 4-10, Block 1 of the North Subdivision be changed from HC to I. This property consists of 14 acres located west of U.S. Highway 93 North.

The Salmon Planning and Zoning Commission will conduct a hearing on this proposal at 7:15 P.M., Tuesday, September 12, 1995 at the city council chambers, 200 Main, in Salmon. A copy of the application is available for public review at the Salmon Zoning Administrator's Office. Public comment is encouraged.

APPENDIX C - DETAILED PERFORMANCE STANDARDS FOR HOME OCCUPATIONS

1. Purpose. These performance standards are designed to permit limited commercial activity associated with dwellings, while assuring that such activity does not diminish the residential character of the neighborhood in which it is located. Approval of a home occupation does not change any specification or performance standard applicable to the dwelling to which it is accessory.

2. Maximum Floor Area. A home occupation may be located within a dwelling or an accessory building, but no home occupation shall occupy a floor area larger than that of the dwelling to which it is accessory.

3. Nonresident Employees. No home occupation shall have more than one employee who is not a member of the resident family.

4. Off-Street Parking. Home occupations shall provide off-street parking for all employees and any vehicles associated with the home occupation in compliance with the requirements of Appendix D (pg. 102).

5. Outdoor Storage. The storage of any materials or solid waste associated with a home occupation shall be within an enclosed structure.

6. Signs. Home occupations shall display only the following signs:

- a. One non-illuminated wall sign of no more than six square feet, and
- b. One non-illuminated on-site directional sign of no more than four square feet.

7. Other standards. Other standards such as, but not limited to:

- a. Hours of operation
- b. Landscaping
- c. Buffering
- d. Lighting

APPENDIX D - DETAILED PERFORMANCE STANDARDS FOR OFF-STREET PARKING AND LOADING

1. Purpose. These performance standards are intended to prevent traffic congestion on public streets by requiring provision of adequate off-street parking and loading areas.

2. Off-Street Parking Required. All buildings and uses shall provide the minimum number of off-street parking spaces required by Table D.1.(pg. 105) Parking spaces shall have graded and drained gravel or paved surfaces.

3. Off-Street Parking Requirements for Uses Not Listed. The classification of uses and the off-street parking requirements for uses not listed in Table D.1. shall be determined by the administrator. Any person who disputes a decision of the administrator may request a review of that decision using the appeals procedure of III.N.

4. Location of Off-Street Parking. Off-street parking shall be provided on the same lot and under the same ownership as the use it serves, except that two or more uses may share a parking area where:

- a. The total number of spaces provided is not less than the sum of the parking spaces required for all buildings or uses served, and
- b. A contract providing for shared parking for a period of 10 or more years is executed before approval of a permit and recorded before the issuance of certificate of compliance.
- c. Required off-street parking spaces shall be within 600 feet of a main entrance of the building or use being served, except for spaces serving a dwelling, which shall be within 100 feet of the dwelling unit served.

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

- a. Be divided from the street by a curbed barrier of at least four feet in width;
- b. Be at least 60 feet in length and 12 feet wide;
- c. Accommodate one way traffic only;
- d. Include a depressed curb section for handicapped access; and

e. Be marked by pedestrian crossing signs facing both traffic lanes.

6. Off-Street Loading Areas. All commercial and industrial buildings and uses shall provide one safe, properly signed off-street loading area for each 10,000 square feet of gross floor area. Off-street loading areas shall be on the same lot and under the same ownership as the building or use they serve, shall be designed to accommodate the largest vehicle that may reasonably be anticipated for use on the site, and have the following minimum dimensions:

a. Vertical clearance: 14 feet;

b. Width: 12 feet; and

c. Depth (length): 35 feet.

d. No vehicle parked in a required off-street loading space shall extend into a public right-of-way.

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

a. No parking area, except those serving single family dwellings, shall be designed or constructed to create a situation in which vehicles are required to back onto a public street.

b. Parking and loading areas shall be sited and designed to minimize the number of access points to arterial roads. Continuous curb cuts are not permitted.

c. No access driveway to a local road shall be within 20 feet of any intersection or alley or 10 feet of another access point. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.

d. No access driveway to an arterial road shall be within 40 feet of its intersection with any local street, or 60 feet of its intersection with another arterial.

e. Clear vision triangles shall be provided for all access driveways.

f. Access driveways for single family dwellings shall be a minimum of 10 feet wide, with a curb radius of five feet. Access driveways for other uses shall be designed to accommodate the reasonably anticipated level of use.

g. Where required for drainage, access driveways shall be constructed over a minimum 12 inch culvert capable of supporting a load of 40,000 pounds.

PARKING TABLE
TABLE D.1 -- MINIMUM OFF-STREET PARKING REQUIREMENTS
FOR RESIDENTIAL, RETAIL, AND SERVICE USES

<i>Land Use</i>	<i>Parking Spaces</i>	<i>Land Use</i>	<i>Parking Spaces Per 1000 Feet Of Floor</i>
Dwellings (SLUC 11, 14)	2 Per Unit	Retail Automotive, Marine (SLUC 55)	5
Lodging Places (SLUC 15)	1 Per Unit Plus 1	Eating And Drinking Places (SLUC 58)	15
Theaters And Similar Places Of Assembly (Including SLUC 72)	.33 Per Seat	Financial, Real Estate, And Insurance Services (SLUC 61)	3
Elementary And Junior High Schools	1 Per Classroom Plus 1, (Auditoriums Used For Public Events Are Places Of Assembly)	Beauty And Barber Services (SLUC 623)	6
Hospitals And Similar Uses (SLUC 6513, 6516)	2 Per Bed	Other Personal Services. Misc. Services (SLUC 62, 69)	3
Rest Homes	.50 per unit		
Land Use	Parking Spaces Per 1000 Feet Of Gross Floor Area	Health Services, Except Hospitals (SLUC 51)	5
Building Materials, Farm Equipment, And Furniture (SLUC 5211-5240, 5252, 57)	1	Professional Services (SLUC 65)	3
Hardware, Apparel, And Misc. Retail Uses (SLUC 5251, 56, 59)	3	Shopping Centers	4
General Merchandise, Groceries, Bakeries (SLUC 53, 54)	4	Mixed Office Uses	3

Notes: Other uses (Transportation, Communications, And Utilities; Wholesale Trade; And Industrial) shall provide one parking space for each anticipated employee plus one. And one parking space for each anticipated company vehicle, plus one. Where a place of assembly does not have fixed seating, one space shall be provided for each 25 square feet of assembly area. Off-street parking requirements for different uses in the same building shall be calculated separately.

8. Circulation Within Off-Street Parking Areas. The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

a. Minimum aisle widths shall be: 1. for two-way circulation and/or 90 degree parking: 24 feet; 2. for one-way circulation and 60 degree angle parking: 18 feet; 3. for one-way circulation and 45 degree angle parking: 15 feet; and 4. for one-way circulation and 30 degree angle parking: 13 feet.

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

c. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

9. Protecting Pedestrians in Off-Street Parking and Loading Areas. There shall be safe pedestrian access around or through all parking and loading areas.

APPENDIX E - DETAILED PERFORMANCE STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS

1. Purpose. The purpose of this appendix is to provide standards for the construction or reconstruction of roads. These standards are for streets in low to medium density residential and light commercial areas. A large scale development study will be required for any development that generates sufficient traffic to necessitate additional construction requirements.

2. Large Scale Development. Any requirement of this appendix may be altered as a result of a large scale development study required by VI.Y. (pg. 48-49)

Division 1 - Street Design

3. Street Classification. Streets shall be classified as arterials, collectors, and local streets, as shown in the comprehensive plan. All arterials in the city are state or federal highways. The right-of-way and surface width standards for new or extended collector and local streets shall be:

- a. For collectors: a right-of-way of 66 feet and a surface of 40 feet (two 12 foot travel lanes, two eight foot parking lanes);
- b. For local streets: a right-of-way of 58 feet and a surface of 36 feet (two 10 foot travel lanes, two eight foot parking lanes). For loops or cul-de-sacs serving 24 or fewer homes the local street standard may be reduced to a right-of-way of 50 feet and a surface of 32 feet.

4. Street Surface. Street surfaces shall be laid over a properly compacted sub-grade and consist of:

- a. Sub-base: minimum six inches of coarse aggregate; and
- b. Base: minimum two inches of crushed coarse aggregate.
- c. Surface: Minimum two inches of asphalt or four inches of concrete, to be sealed within one year or to engineer's specifications.

5. Drainage. Street surfaces shall be crowned so as to slope away from the centerline at a grade of two percent. Shallow, parabolic drainage and snow storage areas shall be provided along all streets. These drainageways shall be reseeded after construction.

6. Maximum Grade. The maximum grade of any street shall be eight percent, except at intersections, as provided by E.12.

7. Cul-De-Sacs. The maximum cul-de-sac length shall be 440 feet and the minimum cul-de-sac radius shall be 60 feet.

8. Dead-End Streets. Dead-end streets shall be prohibited, except where temporarily permitted by a subdivision phasing plan or where required for compliance with VI.P. (page 44). A temporary cul-de-sac shall be provided wherever a temporary dead-end street serves four or more lots.

9. Minimum Centerline Radius of Curves. The minimum centerline radius of curves shall be 250 feet.

10. Minimum Tangent Between Reverse Curves. The minimum tangent between reverse curves shall be 50 feet.

Division 2 - Intersection Design

11. Clear Sight Distance. A minimum clear sight distance of 90 feet shall be maintained along each approach leg at all intersections.

12. Grade at Intersection. The maximum grade at, and within 50 feet along both approaches to, any intersection shall be two percent.

13. Alignment of Intersection. All intersections shall be at a 90 degree angle, with both approaches running at 90 degrees for at least 50 feet before the intersection.

14. Curb Radius. Curb radius (the radius at the intersection of the graded streets) at all intersections shall be 20 feet, except at intersections with arterials, where it shall be 25 feet.

15. Minimum Centerline Offset of Intersections. The minimum centerline offset of intersections shall be 125 feet, except for intersections with arterials, where it shall be 200 feet.

16. Signs. The developer shall install stop signs at all intersections with arterial streets. The developer shall also install all other signs required for safe traffic and pedestrian movement in the subdivision.

Division 3 - Additional Standards

17. Culverts and Bridges. All culverts and bridges shall be designed by a professional engineer. Bridges and culverts may be subject to the requirements of Appendix A. (page 90)

- a. All bridges and culverts on natural watercourses shall be designed to pass a 100 year flood without damage to the bridge or its approaches and without diverting floodwaters onto neighboring properties.
- b. Culverts not included in a., above, shall be designed to pass the runoff from the 10 year, 6 hour storm.
- c. The minimum gross vehicle load supported by any bridge or culvert shall be 40,000 pounds.
- d. There shall be a minimum 50 foot, 90 degree approach to all bridges.

18. Sidewalks. Sidewalks shall be installed along all streets in developments where the density is greater than two dwelling units per acre, and as required by VI.T. (page 45) Where provided, sidewalks shall be located within the street right-of-way, six inches from and parallel to the outer edge of that right-of-way. Sidewalks shall be at least five feet in width and consist of:

- a. Sub-base: a minimum four inches of crushed coarse aggregate; and
- b. Base: a minimum four inches of portland cement sidewalk.

19. Street Lights. The developer shall install one sodium vapor street light at each new intersection created in all subdivisions.

APPENDIX F - DETAILED PERFORMANCE STANDARDS FOR BUFFERING

1. Purpose. Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the city. The purpose of this appendix is to assure that the landscaped buffers required by these regulations effectively accomplish those goals.

2. Buffer. A buffer is an obstruction that prohibits or minimizes transmittal of objectionable sights or sound from one property to another. Usually these properties are of different zones, and may be private or public (such as roadways or schools). Noxious odors are covered in another part of the code.

3. Provider of buffer. Buffers are provided by the developer of property with a higher intensity zone (single family residence being the least intensive) must provide the buffer. In the event a low intensity development is placed next to an existing high intensity property, the low intensity developer would be required to provide the buffer. No buffers are required on those sides of property adjoining agricultural zones. High intensity developed property which was developed prior to this code would be grandfathered. If the other property surrounding this grandfathered piece is already buffered there shall be, in no case, two adjoining buffers required.

4. Location of buffers. Buffers are located at or near as possible, allowing room for planting, to the property lines.

5. Height and density of buffers . The minimum buffer height in all cases shall be six (6) feet. The maximum buffer height is seventy-five percent (75%) of the maximum height of materials stored on the property. The first six (6) feet of the buffer must provide seventy-five percent (75%) obscenity, the remaining portion of the total buffer height must provide twenty-five percent (25%) obscenity. Fences or masonry walls alone are not acceptable. All buffers require five percent (5%) of the fence or wall square footage area to be landscaped. Each tree or shrub counts for two (2) square feet and developers are encouraged to use both. All shrubs and trees may be evergreen, however, additional variation of trees and shrubs are encouraged. All buffers are to be maintained and owners will be deemed in violation of the code if maintenance is not thorough and regular.

6. Buffers adjoining roads. Areas of high intensity property that are used for ingress or egress or building frontage do not require buffers. Planting and landscaping are encouraged in the building frontage area.

Note: The maximum fence height is six (6) feet and Clear Vision Triangles must be maintained.

APPENDIX G - DETAILED PERFORMANCE STANDARDS FOR THE PLATTING OF LOT SPLITS AND SUBDIVISIONS

1. Purpose. This appendix establishes technical standards for the form and content of subdivision plats. The requirements it imposes are in addition to the requirements of state law.

Division 1 - Preliminary Plats

2. Preliminary Plat Part of Application. A preliminary plat is one part of the application for permit to subdivide (see III. G. pg. 9-12) and shall be accompanied by the official application form and all other materials required for a complete application.

3. Preliminary Plats to Be Comprehensive. Preliminary plats shall cover the entire area to be developed by one owner or a group of related or associated owners, even when it is anticipated that development will be phased or occur in the form of multiple subdivisions over several years. An application for a subdivision permit may be rejected solely because it covers insufficient area.

4. Contents of Preliminary Plats. Preliminary plats shall include:

- a. A title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;
- b. The name, address, and registration number of the engineer or land surveyor who prepared the preliminary plat;
- c. A north point and both graphic and written scales;
- d. A vicinity map that locates the proposed subdivision within the section and shows major roads and watercourses adjacent to or near the subdivision; and the boundaries of and recorded names of all adjacent or nearby subdivisions;
- e. The location, nature, and boundaries of all existing public ways and public or private easements in or adjacent to the proposed subdivision, including the county book and page number references to the instruments establishing those ways or easements;
- f. The location and size of all existing utility lines in or adjacent to the proposed subdivision;
- g. The exterior boundaries of the proposed subdivision;

- h. The location, exterior dimensions, and number of proposed lots and blocks, or other parcels created by the subdivision;
- i. The acreage of each proposed lot, and a table showing the total acreage of the area proposed for subdivision, the total acreage in lots, the total acreage in streets, and the total acreage of parcels proposed for dedication to public use or to be held in common by the lot owners;
- j. The names of all proposed streets and widths and boundaries of all proposed street rights-of-way and utility easements;
- k. The location of all irrigation structures, watercourses, and wetlands within or adjacent to the proposed subdivision;
- l. The location of any flood plain and flood way boundaries, as established by the Federal Emergency Management Agency, and any stream corridor setback lines established by this ordinance; and
- m. Any other information required by this ordinance.

5. Scale and Dimensions. Preliminary plats shall be prepared at a scale of one inch equals one hundred feet, with all dimensions shown shall be in feet and decimals thereof. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the vicinity map. The vicinity and index maps shall appear on the first of the serially numbered sheets.

Division 2 - Final Plats

6. Contents of Final Plats. All final plats submitted shall be prepared in compliance with Chapter 13, Title 50 of the Idaho Code, as amended, and shall include all information listed below:

- a. A title block showing the name of the subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;
- b. The name, address, and registration number or seal of the engineer or land surveyor who prepared the plat and that person's certification that the plat is accurate, and that the monuments described in it have been located and/or established as described;
- c. A north point and both graphic and written scales;
- d. A vicinity map that locates the proposed subdivision within the section and shows major roads and watercourses adjacent to or near the subdivision; and the boundaries of and recorded names of all adjacent or nearby subdivisions;

- e. The point of beginning for the subdivision survey, which shall be a section or quarter section corner;
- f. The location and a description of all existing monuments found during the course of the survey;
- g. The location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements;
- h. The exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;
- i. The location, exterior dimensions, and number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries;
- j. The location and a description of all monuments established during the course of the survey;
- k. The location of any flood plain and flood way boundaries, as established by the Federal Emergency Management Agency, and any stream corridor setback lines established by this ordinance;
- l. The acreage of each lot, and a table showing the total acreage of the subdivided area, the total acreage in lots, the total acreage in streets, and the total acreage of any parcels dedicated to public use or held in common by the lot owners;
- m. The names of all streets and widths and boundaries of all street rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;
- n. A signed and dated owner's certificate which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all public ways and other public spaces to public use;
- o. A public notary's acknowledgment of the owner's certificate;
- p. A signed and dated certificate of consent in which all mortgagors, lienholders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;
- q. A public notary's acknowledgment of the certificate of consent;
- r. Certificates for plat approval by the commission and board;

s. A statement of "sanitary restriction", as required by I.C. 50-1326;

t. A certificate for use by the County Recorder in recording the plat after its approval; and

u. Any other information required for compliance with this ordinance.

7. Scale and Dimensions. Final plats shall be prepared at the scale of one inch equals one hundred feet and all dimensions shown shall be in feet and decimals thereof. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the vicinity map. All required certificates and the vicinity and index maps shall appear on the first of the serially numbered sheets.

8. Copy. The developer shall also provide the city with one reproducible copy of the final plat suitable for photographic reproduction and reduction.

APPENDIX H - AREA OF CITY AND COUNTY IMPACT

- 1. Purpose.** These performance standards are designed to control the development within the area of City impact. These rules shall be controlled by a joint city and county planning and zoning commission. The Planning and Zoning board shall be comprised of three members from the City Planning and Zoning commission and Three member from the County Planning and zoning commission. They shall elect offices such as Chairman, Vice Chairman, and Secretary to a one year term. One member shall be acquired from the jurisdiction the chairman is from, to make the board a total of seven members. All members shall be appointed by their respective governing board i.e. meaning Mayor and City Council or County Commissioners. Meetings will be held on an as need be basis on the fourth Wednesday of the month, at 7:00 p.m. Within the area of City impact both the Salmon Development Code and the Lemhi County Development Code shall apply. If a conflict occurs, the most restrictive code applies.

TABLE APX. H.1 -- AGRICULTURAL -- (A)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	public outdoor recreation facilities
agriculture	
home occupations	
expansion or replacement of existing dwellings	
accessory uses and buildings for existing dwellings	
minor utility installations	
<i>SPECIFICATION STANDARDS</i>	No new development will be permitted without a zoning change. Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	Areas With Central Water & Sewer - .25 Acre Basic Lots - 1 Acre Groundwater Vulnerability Areas - 2.5 Acres
maximum density of higher density residential uses	1 Dwelling Unit Per Lot
minimum lot frontage, at the front setback line (applies to one frontage only on corner lots)	100 feet
minimum front yard setback	25 feet
minimum rear yard setback minimum side yard setback	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
maximum lot coverage	35%

TABLE APX. H.2 -- RESIDENTIAL -- (R)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings at least 18 feet in width	higher density residential uses, up to four units on larger parcels
home occupations	churches and public facilities, including elementary schools
accessory uses and buildings, including one accessory apartment for each single family dwelling	public outdoor recreation facilities
keeping of livestock	single family dwellings less than 18 feet in width
minor utility installations	
two family dwellings	
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	Areas With Central Water & Sewer - .25 Acre Basic Lots - 1 Acre Groundwater Vulnerability Areas - 2.5 Acres
maximum density of higher density residential uses	1 Dwelling Unit Per Lot
minimum lot frontage, at the front setback line (applies to one frontage only on corner lots)	100 feet
minimum front yard setback	25 feet
minimum rear yard setback minimum side yard setback	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	35%

TABLE APX. H.3 -- FLOODPLAIN / OPEN SPACE -- (F/OS)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	higher density residential uses
home occupations	churches and public facilities, including schools
duplexes	public recreation facilities
accessory uses and buildings, including one accessory apartment for each single family dwelling	retail and service commercial uses
minor utility installations	minor changes of occupancy in existing uses
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	Areas With Central Water & Sewer - .25 Acre Basic Lots - 1 Acre Groundwater Vulnerability Areas - 2.5 Acres
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum lot frontage, at the front setback line	100 feet
minimum front yard setback	25 feet
minimum rear yard setback minimum side yard setback	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	35%

TABLE APX. H.4 -- INDUSTRIAL / OPEN SPACE -- (I/OS)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	higher density residential uses
any commercial or industrial use	churches and public facilities, including schools
accessory uses and buildings	public recreation facilities
minor utility installations	
minor changes of occupancy in existing uses	
<i>SPECIFICATION STANDARDS</i>	Special uses are subject to these standards only where the special use performance standards are not more restrictive.
minimum lot size	Areas With Central Water & Sewer - .25 Acre Basic Lots - 1 Acre Groundwater Vulnerability Areas - 2.5 Acres
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum front yard setback	25 feet
minimum setback along boundary of TO zoning district	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	80%

TABLE APX. H.5 -- HIGHWAY COMMERCIAL (HC)

<i>PERMITTED USES</i>	<i>SPECIAL USES</i>
single family dwellings	new industrial uses
all commercial uses	churches and schools
minor changes of occupancy in existing industrial uses	public recreation facilities
accessory uses or buildings, including one residence on each commercial lot or parcel	
minor utility installations	
<i>SPECIFICATION STANDARDS</i>	The special uses are subject to these standards only where the special use performance standards are not more restrictive. These standards apply primarily to the permitted expansion of existing commercial uses.
minimum lot size	Areas With Central Water & Sewer - .25 Acre Basic Lots - 1 Acre Groundwater Vulnerability Areas - 2.5 Acres
maximum density for residential uses	1 Dwelling Unit Per Lot
minimum front yard setback	25 feet without a front parking lot 50 feet with a front parking lot
minimum setback along boundary of HC zoning district	5 feet for each 10 feet of building height, 5 feet minimum
maximum building height	35 feet
Landscaping & Buffering	5% - AND the 5% Must be Maintained AND Must Be Completely Visible From The Public Way
maximum lot coverage	80%