



Twin Falls Planning & Zoning Commission Agenda

Tuesday, January 14, 2025, 6:00 PM

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact:

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Conflict of Interest Declaration
- 3) Consent Calendar
 - a) Approval of minutes from the following meeting: December 17, 2024.
- 4) Items of Consideration
- 5) Public Hearings
 - a) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".
By: William Klaver, Senior City Planner
 - b) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to individual Zoning Districts. (PZ24-0136)
By: William Klaver, Senior City Planner
- 6) Upcoming Meeting(s)
 - a) January 28, 2024
- 7) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (208) 735-7267 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chair shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chair, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
3. A City Staff Report shall summarize the application and history of the request.

4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chair may limit public testimony to no less than two (2) minutes per person.
 - **Individuals are not permitted to give their time to other speakers.**
 - **However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chair. The spokesperson shall be limited to 15 minutes.**
 - **Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.**
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chair, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chair may limit the time permitted for the answer.
 10. The Mayor or Chair shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, December 17, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact:

1) Confirmation of Quorum/Call Meeting to Order

NAME called the meeting to order at 06:00 PM

Members Attending: Titus, Campbell, Rambur, Zimmerman

Staff Attending: Spendlove, Klaver, Ebersole, Green, Vitek

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of the minutes from the following meeting: December 3, 2024.

Vice-Chair Campbell made a motion to approve the consent calendar, as presented.

Commissioner Zimmerman seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) Request for a Special Use Permit for a public charter school and alternative landscape plan on property located at Harrison Street South c/o Katrina Kulm, erstad Architects.

Staff Presentation:

Planner Ebersole presented the request for a Special Use Permit for a public charter school and alternative landscape plan on property located at Harrison Street South c/o Katrina Kulm, erstad Architects.

Per City Code 10-13-2-2, The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information,

testimony, and minutes of the previous hearing to reach a decision on the appeal.

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Per City Code 10-4-5.2, a special use permit is required for “Schools – private academic or public”.

10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

In October 2024, the property was annexed to the city by request of the applicant. The land is now located in city limits with the R-4 zoning Designation, and under the City of Twin Falls city codes and laws.

The property is currently vacant and there are no records that the property has ever

been used for anything but Agriculture.

This area is primarily residential in nature, in the southeast portion of Twin Falls. This property is located off Harrison Street South, with South Hills Road (3600 E) to the south, both having road classifications of collectors. South Hills Middle School is located directly to the west.

There are multiple residential developments under different phases of construction in the area. R-4, Medium Density Residential, is the primary zone in the area, mixed with R-2 and R-1 Variable.

Per the Engineering Department, the sewer and water modeling has been completed for this upcoming project. The applicant will have their own Pressurized Irrigation system. All current irrigation systems are to remain and will not take away from any of the neighbors' water rights.

Having two schools across the street from each other will increase traffic on Harrison Street South-during drop off and pick-up times. A way to help mitigate traffic issues would be to stagger the start and end times of school days. Elevate Academy has addressed this concern in the enclosed traffic study, showing there are different start and end times between the two schools.

There is no crosswalk across Harrison Street South. A condition has been added for a crosswalk to be installed, paid for by the applicant, if deemed necessary by the City Engineer. The applicant has shown a potential crosswalk location on their site plan.

The applicant is required to build the public infrastructure (curb, gutter, sidewalk, street improvements) for the entire length of the property and will work with the Engineering Department to get this accomplished.

The applicant has asked to do an alternative landscape plan, removing the parking islands and moving the island landscaping to the perimeter of the grounds, for easier parking lot weather maintenance.

The site plan shows two approaches on Harrison Street South that will line up with the approaches at South Hills Middle School. There is a parent drop off zone in front of Building A, with bus parking along the south approach. The parking lot is located in front of the buildings, with a pedestrian/ADA crossing lane from the lot to the buildings.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Town Neighborhood", which is primarily residential in character, with parks, schools, and civic facilities included.

Staff has determined the proposed use is compatible with the comprehensive plan.

Based on the standards for approval, Staff does not foresee detrimental impacts related to the land use. The applicant has addressed potential traffic issues with an extensive traffic study and, as this land has never been developed located in the R-4 zone, Staff believes a new charter school is a good use of the land.

There are two items for the commission to vote on:

1. The alternative landscape plan.
2. The Special Use Permit for the public charter school.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. The commission may approve each request, deny one or both of the requests, or table for further information.

Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to a crosswalk paid for by Elevate Academy, if deemed necessary by the City Engineer.

PZ/Questions & Comments:

- Chairperson Titus asked if they would come back if they build anything else.
- Planner Ebersole replied they would not if it's outright permitted.
- Commissioner Rambur asked if they had anything in mind for the north part.
- Planner Ebersole stated they would have to ask the applicant.
- Vice-Chair Campbell asked about the crosswalk.
- City Engineer Vitek explained the City will work with applicant for the crosswalk if it is safe and needed.
- Chairperson Titus asked if there is a time limit on when the crosswalk can be built.
- City Engineer Vitek answered if there is an issue on Harrison then it will be needed and looked at again.
- Director Spendlove replied there is no time limit with the way the permit is written.

Applicant Presentation:

Katrina Kulm presented on behalf of the applicant. They feel the size of the school will not cause issues with traffic. The landscape will be moved to the outer perimeter. They only have 480 kids chartered for the school. The school busses 60% of the kids. Monica White co-founder of Elevate Academy. The safety of kids is a concern they take serious. They will help stage with parents the first few weeks to teach the flow to parents.

PZ/Questions & Comments:

- Chairperson Titus asked about the staff and size.
- Monica White replied they have 42 staff members.
- Chairperson Titus asked how many car spaces will they have.
- Monica White stated they have 144 junior and seniors with about half driving.
- Katrina Kulm answered they have 112 spaces on site.

- Chairperson Titus asked if it's the same owner for the entire lot. She asked where the sidewalk to the north would connect.
- Director Spendlove answered that it's not close.
- Vice-Chair Campbell asked about the landscape plan
- Planner Ebersole replied it's not a specific condition and they proposed an alternate location.
- Director Spendlove clarified that landscaping will probably not be on the frontage of Harrison with a ditch running along that area.
- Chairperson Titus asked if the landscape needs to be on the frontage.
- Director Spendlove explained that landscaping has a percentage that will require a certain amount of trees.

Public Hearing: Opened

- Richard Dean is the neighbor. He feels the traffic is already a problem. He stated the land slopes and how will they get the sewage to the road. He asked about the irrigation ditch and if it will be piped or open. He uses the runoff water currently and thinks this will cause a problem for him. He would like it denied until they answer his questions.
- Pete Johnston has some concerns. He thinks this will be troubled youth. Are they from out of town, if they are he doesn't want them here. He feels there are enough schools. Parking will be an issue if the students are driving and parking at the school. Harrison has enough traffic.
- Tami Walker feels the school is needed and the students are local. She feels the traffic will work.
- Katrina Kulm stated they have been working with all the departments in the City to solve any issues that might arise with the school. They will continue to work with city staff.
- Vice-Chair Campbell asked about the other locations and were they comparable to this area.
- Monica White stated the one in Idaho falls shares a fence and they've had no issues. Post Falls is a block off a main road with no issues. Caldwell is across from water department and have no issues. Nampa is on a main road and they have no issues there either.
- Vice-Chair Campbell asked if the parking spaces and canal drainage will be sufficient.
- Katrina Kulm stated they have similar layouts and the parking works. No other locations have needed overflow.
- Justin Scott (phone) has been working with the irrigation district. It is outside their district and is considered a user canal/ditch but will continue to work with them. Middle schools and High schools have to have enough to meet code. They will make sure concerns are addressed.
- Chairperson Titus asked about the sloping of land.
- Director Spendlove replied that the grade runoff/stormwater generated from their property will have to be maintained by them. Harrison is a collector and there will be no parking at some point.
- Commissioner Zimmerman asked if there is a turn lane on Harrison.

- Director Spendlove stated it is not painted but there is room. Middle School has a right turn into the school.
- Commissioner Zimmerman asked if the commission can make a request for one.
- City Engineer Vitek answered that if the traffic is enough the city would do it.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur feels that this falls in R-4 zone and complies with comprehensive plan and is confident the city will address any issues.
- Vice-Chair Campbell likes that they are using similar site plans that have worked in other areas.
- Chairperson Titus likes that it will come back if it's an issue but thinks it looks good. Her only concerns are infrastructure.

MOTION: Vice-Chair Campbell moved to approve the request for a Special Use Permit for a public charter school on property located at Harison Street South c/o Katrina Kulm, Erstad Architects. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

Landscape

- Commissioner Rambur feels like the city will make sure it works.
- Chairperson Titus stated if the frontage won't work does anyone have any specifications.
- Commissioner Rambur feels the applicant wants this to look good so they will do what it takes to meet requirements and look good.

MOTION: Vice-Chair Campbell moved to approve the alternative landscape plan on property located at Harrison Street South c/o Katrina Kulm, erstad Architects. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- b) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations".

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City

Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

- 1. Move to recommend approval for the proposed zoning text amendment to the parking regulations chapter of Title 10 as presented;*
- 2. Move to recommend approval with conditions for the proposed zoning text amendment to the parking regulations chapter of Title 10; or*
- 3. Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input.

Discussions Followed:

Commission agrees with the stacking requirements and feels it will be easier. Tandem parking for residential will be better.

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations". Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- c) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the landscaping regulations chapter of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the landscaping regulations chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission would like city staff to review and report back on the male to female ratio to reduce allergens.

MOTION: Vice-Chair Campbell moved to table the item to January 14, 2025. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- d) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which

interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the required improvements of development chapter of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the required improvements of development chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- e) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may

- recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

- 1. Move to recommend approval for the proposed zoning text amendment to the floodplain regulations chapter of Title 10 as presented;*
- 2. Move to recommend approval with conditions for the proposed zoning text amendment to the floodplain regulations chapter of Title 10; or*
- 3. Move to table the item to a date certain of _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations". Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) January 8, 2025 - Work Session
January 14, 2025

7) Adjournment

The meeting adjourned at 08:10 PM

Jody Green, Planning Technician

DRAFT



Date: Tuesday, January 14, 2025
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Landscaping Regulations". This chapter was adopted and amended in various years, ranging from 1981 to 2024.

This chapter contains much the same language as before. The bulk of the regulation was combining landscape requirements into one (1) chapter. Besides consolidating to one (1) chapter, the following items are being proposed as changes.

1. Clarification landscape standards are not applicable to single-family and duplex lots;
2. Landscape Plan, stamped by an Idaho Licensed Design Profession, shall be submitted on all projects requiring 4,000 SF or more landscape;
3. Requiring a mix of species, rather than ever evergreen vs deciduous;
4. Outlining suitable types of ground cover;
5. Changing from "Gateway Arterial Landscaping" to "Arterial Landscaping";
6. Landscaping in proximity to overhead utilities to conform with Idaho Power's Tree Guide;
7. Require a Certificate of Completion by a certified landscape contractor once the work is completed; and
8. Adding recommended guidelines for areas that are vulnerable to wildfire.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the landscaping regulations for the zoning regulations.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the landscaping regulations chapter of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the landscaping regulations chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. PZ24-0134 Proposed Landscaping Regulations
2. PZ24-0134 Current Landscaping Standards - 12.9.24
3. PZ24-0134 Parks Superintendent Comment

10-6: LANDSCAPING REGULATIONS

10-6-1 GENERAL.

- A. These standards shall apply to all areas held in common ownership and/or under common maintenance within any development or subdivision such as, but not limited to, retention/detention ponds, park strips, berms, and swales. These standards shall apply to all commercial uses and businesses. Further, these standards will apply to five or more residential units on a single lot.
- B. The measurements and sizes of plant materials required by this section shall adhere to the standards prescribed in the latest edition of "American Standards for Nursery Stock" (ANSI Z60.1).
- C. All landscaping elements shall be maintained in a manner consistent with the minimum standards outlined in this chapter. Any dead or dying trees, shrubs, or other perennial plants shall be removed and replaced within one calendar year.
- D. All trees in public right of way shall be maintained according to the practices established by the Twin Falls Tree Commission per City Code 8-4.
- E. All landscaping elements shall be installed and maintained consistent with vision and safety requirements outlined in City Code Titles 8 and 9.

10-6-2 EXCEPTIONS.

- A. These standards shall not apply to single household dwellings on a single lot, accessory dwelling units, a duplex on a single lot, or a single triplex or fourplex on a single lot.

10-6-3 LANDSCAPE PLAN SUBMITTAL REQUIREMENTS.

- A. All projects requiring landscape installation shall require the submission of a landscape plan. The landscaping plan shall be reviewed as part of the building permit or zoning application process.
- B. Projects requiring 4,000 square feet or more of total landscaped area shall provide a landscape plan prepared by a current Idaho Licensed Design Professional.

10-6-4 CALCULATING REQUIRED LANDSCAPING.

The square footage of required landscaping is defined in the property development standards for each zoning district as found in 10-2 of this Title.

District	Landscape Requirement	District	Landscape Requirement
OS	N/A	MXU	5% of lot area
CRO	20% total Area	CMT	5% of lot area
DTO	See underlying district	CC	5% of lot area
AG	N/A	COM	5% of lot area
RR	N/A	IND	2SF per linear feet of frontage
TN-1	N/A	AP	3% of total land area
TN-2	N/A	CSI	N/A
TN-3	5% of lot area or as exempted in 10-6-2		

CHAPTER 6

10-6-5 MINIMUM LANDSCAPE PLANTING & GROUND COVER STANDARDS.

The required minimum landscaped area shall have the following plantings:

- A. One tree per 500 square feet of landscaped area. The number of tree species and planting sizes shall be planted per the table below:

Required Number of Trees	Minimum Number of Species
1-4	1
5 to 10	2
11 to 30	3
31 to 50	4
More than 50	5
All trees shall be a minimum of <u>1-1/2 inch caliper (deciduous) or five feet tall (evergreen)</u> when planted.	

- B. One woody shrub, herbaceous perennial, or ornamental grass per 100 square feet of landscaped area. The number of shrub/grass species and planting sizes shall be planted per the table below:

Required Number of Shrubs/Grasses	Minimum Number of Species
1 to 4	1
5 to 10	2
11 to 30	3
31 to 50	4
More than 50	5
All Shrubs shall be a minimum of two gallons when planted. All others shall be a minimum of one gallon when planted.	

- C. Ground cover is required throughout the required minimum landscaped area.

1. The following ground covers are permitted:
 - a. Bark mulches
 - b. Soil aid

- c. Other non-vegetative materials (decorative rock/stone 3/4" or greater, artificial turf, pavers, etc.) that do not comprise of more than 50% of the required area.
- d. Vegetative ground cover (grasses, etc.)

2. The following ground covers and materials are prohibited:

- a. Asphalt
- b. Concrete flat work
- c. Pea gravel
- d. Road base gravel
- e. Rubber mulch
- f. Pit run rock & ballast rock
- g. Impermeable plastic weed barrier

3. All non-vegetative ground cover shall utilize a permeable weed barrier and shall be installed to a minimum depth of three inches.

10-6-6 ALTERNATIVE LANDSCAPING PLAN.

- A. The Planning and Zoning Commission may approve alternative plans for the minimum site landscape plantings and groundcover standards.
1. Alternative plans shall not be granted for Gateway Arterial and parking lot landscaping requirements.
 2. Alternative plans may substitute the required landscape area, and associated number of trees / shrubs, for non-vegetative beautification amenities, alternative placement of trees and shrubs, or a combination of amenities and vegetation placement.

3. Non-vegetative beautification amenities include:
 - a. Architecture embellishments such as window canopies, door awnings, etc.).
 - b. Artistic murals or similar artistic displays as approved by the City of Twin Falls Arts Commission.
 - c. Other innovative items approved per the Planning and Zoning Commission.
4. Alternative placement of vegetation include:
 - a. Planter boxes
 - b. Hanging baskets
 - c. Potted plants
 - d. Living walls
 - e. Street trees per the Parks Department approved list & installation guide
 - f. Other innovative locations approved per the Planning and Zoning Commission

B. Alternative Plan Review Process: Upon receipt of a completed application the Administrator shall schedule the item within 45 days on the Planning and Zoning Commission agenda for consideration.

10-6-7 THE PLANTING OF INVASIVE AND HARMFUL PLANT SPECIES.

Any plant deemed by the State of Idaho as invasive or harmful shall not be planted.

10-6-8 ARTERIAL LANDSCAPING.

Except as exempted in 10-6-2, landscaping shall be provided, retained and maintained on all properties fronting arterials. Arterial landscaping may count towards the subject property's overall landscaping requirement. A landscaped strip with an average depth of 30 feet, with no area having a depth of less than 15 feet, measured from back of sidewalk or future sidewalk, shall be provided along all arterial roads. Concrete flatwork, sidewalks, or paths shall not be counted towards required landscaped area.

10-6-9 CANYON RIM OVERLAY LANDSCAPING.

Overall, twenty percent of the total area included in any commercial or mixed-use development in the Canyon Rims Overlay district shall be devoted to landscaped open space. That space shall meet all applicable requirements of this Title and shall include the following elements:

- A. Street Buffers: A landscape buffer with an average depth of 30 feet, with no area having a depth less than 15 feet, shall be provided for commercial uses along arterial and collector streets, and residential uses along arterial streets.
- B. Use Buffers: There shall be a minimum 50 feet landscaped buffer within 50 feet of the Canyon Rim.
- C. Parking Areas: Parking areas including 15 or more spaces shall be broken into separate bays by landscaped areas and pedestrian walks that comprise at least ten percent of the area devoted to parking.
- D. Canyon Rim Setback Area: The canyon rim setback area may be included as part of the twenty percent landscaping requirement if the area is landscaped to meet the minimum requirements of subsection 10-6-2.2 of this chapter or if planted with native vegetation.

CHAPTER 6

10-6-10 PARKING LOT LANDSCAPING.

Any parking area that contains 20 or more parking spaces shall provide interior parking lot landscaping, in addition to other required landscaping, as follows:

- A. Expansions to existing parking lots which increase the number of spaces beyond 20, or expand parking to new areas where 20 spaces are currently available, shall provide parking lot landscaping on the new portion of the lot in accordance with this section.
- B. Landscaped islands shall be located at the terminus of all parking rows. No more than 15 parking spaces are permitted in a continuous row without being interrupted by a landscaped island.
- C. Required landscaped islands shall be a minimum six feet wide and 15 feet long and shall contain at least one tree that meets the following requirements:
 1. The tree placed in the landscaped island shall be an approved parking island species identified in the *City of Twin Falls Tree Selection Guide*.
 2. At planting the tree placed in the island shall meet the minimum size requirements as outlined in 10-6.2.2.
 3. Required landscape islands may be grouped, subject to approval by the Planning and Zoning Commission.
 - a. All landscaped areas shall be protected by an appropriate device so as to prevent the damage of the landscaped areas and vegetation from vehicles. Pavement shall not be placed closer than four feet from the trunk of a tree unless a root barrier is provided.

10-6-11 LANDSCAPING IN PROXIMITY TO OVERHEAD UTILITIES

- A. Tree Planting. Where a tree is required to be planted in accordance with this Title, it shall meet the following requirements:

Tree Classification*	Minimum Distance from Overhead Utilities
Class 1	15 feet
Class 2	25 feet
Class 3	35 feet
Distances are to be measured from center of the tree trunk at time of planting.	

*Refer to Idaho Power Tree Planning & Planting Guide



- B. Review. All landscaping to be placed within 50 feet of any overhead powerline shall follow the appropriate guidelines for landscape installation when near electric power utilities. Any reasonable accommodation requested by the utility company shall be met, including but not limited to alternative tree placement, alternative tree species, etc.
- C. Maintenance: All maintenance shall be conducted in conformance with the Idaho Overhead Safety Act (Idaho Statute 55-2401 thru 55-2405) or as amended.
- D. Nuisance: Any tree or shrub growing in the public right of way or a public place which is endangering, or which in any way may endanger, the security or usefulness of any public street, sewer, or sidewalk or the full

and safe operation of public utility wires, is hereby declared to be a public nuisance and the City may act as detailed in Twin Falls City Code Title 8 Chapter 4.

10-6-12 GUIDELINES FOR SELECTING PLANTS FOR POLLINATORS.

It is strongly recommended that pollinator plants be incorporated in landscape design whenever possible. Pollinator friendly landscaping recommendations established in the “Intermountain Semidesert Province Regional Guide for Selecting Plants for Provinces” published by the Pollinator Partnership and the North American Pollinator Protection Campaign, should be followed wherever possible.

10-6-13 LANDSCAPE PLAN FIELD MODIFICATIONS.

- A. Due to unforeseen events occurring during construction and installation of landscaping, field modifications to plans are occasionally needed.
- B. Field modifications may be approved by the Administrator under the following circumstances:
 - 1. Conflicts with utilities;
 - 2. No net loss of tree or shrub counts;
 - 3. Substitute species (plants not available);
 - 4. Future maintenance issues; and,
 - 5. Any other unforeseen reasons an Idaho Licensed Design Professional deems appropriate to relocate landscaping.
 - 6. An application for field modifications shall be submitted to the Administrator and follow the process found in Chapter 8 of this Title.

10-6-14 LANDSCAPE PLAN COMPLETION.

- A. No certificate of occupancy for any building, or development covered by the terms of this title, shall be issued unless the required landscaping has been completed.
- B. Required landscaping of 4,000 square feet or more shall require a written certificate of completion by a certified landscaping installer. The certificate of completion shall verify that all landscape improvements, including plant material and sprinkler installation, are in substantial compliance with the approved landscape plan.

10-6-15 LANDSCAPE / VEGETATION ENCROACHMENTS, OBSTRUCTIONS & PUBLIC NUISANCES.

- A. Every owner, tenant, or occupant of the premises abutting or adjoining any public right of way shall be required to trim or remove any trees, shrubbery, or plant growth which encroaches over any sidewalk, beyond any curb line, or over the edge of the pavement per 8-1-5 of Twin Falls City Code.
- B. No person shall plant, install, create, maintain, or possess on or over public or private property an obstruction of an official traffic-control sign to the vision of a driver per 9-9-19 of Twin Falls City Code.
- C. 8-4-8 of Twin Falls City Code shall govern all instances of identifying and remedying landscaping or vegetation as public nuisance.

CHAPTER 6

10-6-16 GUIDELINES FOR LANDSCAPING IN AREAS VULNERABLE TO WILDFIRE.

It is recommended that fire wise plants and landscape design be utilized in areas of the City vulnerable to wildfire. Fire wise recommendations include:

- A. Control the density and placement of highly flammable vegetation within 30 feet of buildings and structures, to include:
 - 1. Removal of all flammable vegetation within three to five feet of buildings and structures.
 - 2. Removal of any tree branches hanging over structures that will drop needles or other debris onto roofs, gutters, or decks.
 - 3. Prohibition of plant vegetation underneath eaves or roof lines.
 - 4. Moving firewood piles further than 30 feet from buildings and structures during fire season.
- B. Establishing a 50-foot defensible space around the perimeter of any habitable structure in which trees are thinned so that crowns do not overlap or touch, woody brush is removed or substantially thinned, and dead fuel is removed.
- C. Incorporating non-flammable hardscapes, such as rock wall, to function as firebreaks by breaking up areas of fuel.
- D. Incorporating ground cover such as gravel, brick chips, pavers, and concrete offer superior fire-resistance and should be used where mulch directly abuts flammable structures.

- E. Planting ignition resistant plants (see Flammability Chart)

FLAMMABILITY CHART
Succulents = More Ignition Resistant
Ground Covers
Turf Grasses
Annuals
Perennials
Shrubs
Deciduous Trees
Ornamental Grasses
Evergreens = Less Ignition Resistant

- F. Maintenance. Trim lawns, irrigate frequently, prune out dead limbs, remove debris and other fuels, thin and increase spacing between plants.

10-4-1.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the AG District: (Ord. 2796, 6-14-2004)

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling and per farm shall be twenty (20) acres.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height except those used for the storage of farm produce. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential/nonagricultural uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply to the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted

in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights-of-way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

10-4-2.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the SUI District:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling shall be one acre, or as set forth in the "Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems" as adopted by the South Central District Board of Health, whichever is larger. (Ord. 2796, 6-14-2004)

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights-of-way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

10-4-3.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R1-VAR district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each dwelling, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof. (Ord. 2526, 5-20-1996)

(B) Lot Area:

1. The minimum lot area per household dwelling shall be eight thousand (8,000) square feet for lots fronting on arterial streets as defined in subsection 10-7-6(A) of this title. (Ord. 2798, 8-2-2004)

2. All other lots within a proposed subdivision shall have a minimum lot area of at least eighty five percent (85%) of the average lot size of platted or developed lots within one hundred fifty feet (150') of said lots. Notwithstanding the foregoing, no lot shall be required to be larger than eighteen thousand five hundred (18,500) square feet except where contiguous to an SUI or AG zoning district, in which case no lot shall be required to be larger than twenty thousand (20,000) square feet. In no case shall the lot area be less than eight thousand (8,000) square feet nor shall a lot be required to be larger than the largest contiguous lot. (Ord. 2526, 5-20-1996; amd. Ord. 2796, 6-14-2004)

3. A permitted use that conforms to all provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than fifty percent (50%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty five feet (25') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback. (Ord. 2620, 8-2-1999)

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-4.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R2 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area shall be six thousand (6,000) square feet for a single household dwelling and ten thousand (10,000) square feet for a duplex dwelling.
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than seven feet (7') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.
- c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

- a. The rear building line shall not be closer than twenty feet (20') to the rear property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.
- c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling unit shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply to the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-5.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R4 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than five feet (5') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
- c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}'$) to the side property line.

3. Rear Yard:

- a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(G) Landscaping: All uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title. (Ord. 2620, 8-2-1999)

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-6.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R6 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.

2. Side Yard:

a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}'$) to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than fifteen feet (15') to the rear property line for residential uses and fifteen feet (15') for other uses.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.

c. On a corner lot, the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling unit shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-7.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the CB district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, off street parking and landscaping.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Use: No requirement.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to five percent (5%) of the total parking area.

2. Household buildings five (5) units or more shall provide landscaping equal to ten percent (10%) of the lot area. (Ord. 2620, 8-2-1999)

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-8.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title.

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:

1. Commercial Uses And Residential Uses With Five Or More Units Per Building:

a. Front Yards: A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:

(1) A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

(2) Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission.

b. Side And Rear Yards: No property line setbacks are required on side yard or rear yards when adjacent to existing commercial uses, existing residential uses with five (5) or more units per building, vacant property that is zoned for nonresidential development, or vacant property that is designated on the future land use plan for nonresidential development. A property line setback of twenty five feet (25') shall be maintained on the side yard and rear yard for buildings adjacent to existing residential uses with four (4) or fewer units per building, vacant property that is zoned for residential development or vacant property that is designated on the future land use plan for residential development.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district. (Ord. 3077, 8-11-2014)

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-9.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to a commercial building shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial uses: No requirement.
2. Residential uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial And Manufacturing Uses: No property line setbacks are required on side or rear yard. A setback of thirty five feet (35') on arterials and fifteen feet (15') on other streets is required. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of street frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontage.

2. Household units not attached to nonresidential uses. No requirement.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in nonresidential buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-10.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M2 district:

(A) Lot Area:

1. Nonresidential Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to an allowed use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required on side and rear yards. Setbacks on arterial frontages shall be thirty five feet (35') from property line and fifteen feet (15') on other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booths, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer part of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontages.

2. Household units not attached to nonresidential uses: No requirement.

(G) Off-Street Parking:

1. Each nonresidential use shall comply with the provisions of Chapter 10 of this Title.
2. Residential uses shall provide two (2) parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off-street parking space for each dwelling unit in the building.

(H) Signs: See Chapter 9 of this Title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of Section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

(J) H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons. (Ord. 2526, 5-20-1996)

10-4-11.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the OS district:

(A) Use Of Lots: Each building except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a lot shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling shall be eight thousand (8,000) square feet if serviced by centralized sewer and forty three thousand (43,000) square feet if on septic tanks.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof, and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

3. Each nonresidential use shall have a minimum lot area established by the commission.

(C) Lot Occupancy:

1. No household dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

2. Each nonresidential use shall have a minimum lot occupancy established by the commission.

(D) Building Height: No building shall exceed twenty feet (20') in height.

(E) Yards:

1. Household dwellings shall conform to the yard setbacks of the R1-VAR district.

2. Each nonresidential use shall have a yard established by the commission.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have the landscaping requirement established by the commission.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-12.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the AP district, except on Joslin Field, Magic Valley Regional Airport property, which development standards shall be as established by the airport advisory commission and approved by the city council and county commissioners: (Ord. 2635, 11-15-1999)

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling and per farm shall be twenty (20) acres.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

3. Each nonresidential and nonfarm use shall have a minimum lot area established by the commission.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height, except the commission may authorize additional height for structures as provided in federal aviation agency regulations part 77. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot, the required front yard of thirty feet (30') shall be provided on both streets.

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(G) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area. (Ord. 2550, 6-2-1997)

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

(K) Additional Restrictions:

1. Lighting:

a. Any pulsating, flashing, rotating, oscillating or other type of lighting intended as an attention getting device is prohibited.

b. Floodlights, spotlights or other lighting devices shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the grounds.

2. Glare:

a. Glare producing building materials shall not be allowed on any structure or any other use of the land.

3. Electromagnetic:

a. No use may be made of land which results in electromagnetic radiation which interferes with radio communications between aircraft or between aircraft and airport, or interferes with established radio navigation aids.

4. Smoke:

a. No use may be made of land which emits smoke, dust or any visible fumes or vapors into the atmosphere.

5. Avigation Easement:

a. An avigation easement shall be required from any property owner applying for a building permit. (Ord. 2526, 5-

20-1996)

10-4-13.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the OT district:

(A) Lot Area: The lot shall be of sufficient size to provide for the building, off street parking, landscaping, and surface water retention.

(B) Lot Occupancy: No requirement. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided in section 10-7-3 of this title. (Ord. 3077, 8-11-2014)

(D) Yards: No requirement.

(E) Access: All lots shall have vehicular access on a dedicated improved public street unless a secondary means of permanent access has been provided.

(F) Landscaping:

1. Public Rights Of Way:

a. Landscaping and lighting shall be provided which meet the requirements of the old town master landscaping plan.

2. Public And Private Parking Lots:

a. Ten percent (10%) of the total parking area shall be landscaped.

b. At least eighty percent (80%) of the trees and shrubs planted in the parking lots shall be from the master list of approved species as stated in the old town master landscaping plan.

c. A thirty inch (30") high masonry wall, hedge or shrub planting shall be provided between the parking lot and a public sidewalk. Such wall, hedge or shrub planting shall be continuous except for pedestrian or vehicle access.

d. Fifty percent (50%) of all shrubs and twenty five percent (25%) of all trees shall be evergreen.

e. Planted dividers at least six feet (6') wide shall be provided between parking rows. Such dividers shall be planted with shade trees at least eight feet (8') in height when planted.

f. One shade tree shall be provided within planted dividers, islands within parking lots, or along the parking lot periphery for every ten (10) parking spaces.

g. Dumpster areas, loading sites and other unsightly areas shall be screened with landscaped plantings, or wooden or masonry sight obscuring fencing.

h. Parking lots shall be illuminated with lighting fixtures installed at the rate of one per every eighteen (18) cars. Such lighting shall be in conformance with the old town master landscaping plan.

(G) Off Street Parking:

1. Household units shall have a minimum of one off street, on site, parking space per unit.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title and the P3 parking overlay. (Ord. 2526, 5-20-1996)

(H) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-14.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. (Ord. 2526, 5-20-1996)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district or as determined by the ZDA process. (Ord. 3082, 12-8-2014)

(B) Lot Occupancy:

1. Commercial Uses: No requirement.

2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed thirty five feet (35') in height except as provided by section 10-7-3 of this title.

(D) Yards:

1. Commercial Uses And Residential Uses With Five Or More Units Per Building: No property line setbacks are required on side yard or rear yard. A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. (Ord. 2526, 5-20-1996)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district or as determined through the ZDA process. (Ord. 3082, 12-8-2014)

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater or as determined by the ZDA process. (Ord. 3082, 12-8-2014)

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.

2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.

3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-15.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the RM district:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than five feet (5') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
- c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2¹/₂') to the side property line.

3. Rear Yard:

- a. The rear building line shall not be closer than twenty feet (20') to the rear property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.
- c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-16.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the CSI district: (Ord. 2526, 5-20-1996)

(A) Use Of Lots: As provided for in the ZDA development plan. (Ord. 3082, 12-8-2014)

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}$ ') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-17.4: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in mobile home overlay district one:

The property development standards shall be the same as those of the basic district upon which the overlay is placed. (Ord. 2526, 5-20-1996)

10-4-18.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the professional office overlay district:

(A) Lot Area:

1. The minimum lot size as required by the basic district upon which the overlay is placed.
2. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping.

(B) Lot Occupancy:

1. Same as that of the basic district upon which the overlay is placed.
2. For professional offices, there is no occupancy requirement.

(C) Building Height: No building shall exceed thirty five feet (35') in height.

(D) Yards:

1. Front yards:
 - a. Same as that of the basic district upon which the overlay is placed.
2. Side yards:
 - a. Same as that of the basic district upon which the overlay is placed.
3. Rear yards:
 - a. Same as that of the basic district upon which the overlay is placed.
 - b. For professional offices, the rear yard may be reduced to the side yard setback of the basic district.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping:

1. Residential uses: Same as that of the basic district upon which the overlay is placed.
2. Professional uses: Professional offices shall provide landscaping equal to ten percent (10%) of the total lot area.

(G) Off Street Parking:

1. Same as that of the basic district upon which the overlay is placed.
2. Each professional office shall provide one parking space per three hundred (300) square feet of total building area measured from the exterior of the building, or as required by subsection 10-10-3(A) of this title. (Ord. 2657, 6-19-2000)

(H) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(I) Walls, Fences And Hedges:

1. Same as that of the basic district upon which the overlay is placed.
2. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.

(J) Additional Standards: The following additional property development standards shall apply to Addison Avenue and Blue Lakes Boulevard:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform with the general residential nature of the neighborhood, consistent with the existing architectural style and design.

2. Parking: All off street parking shall be placed on the alley side of the lots so that the portion of the property that fronts the side streets and arterial streets shall continue to have lawn and landscaping consistent with surrounding properties as opposed to asphalt, rock or pavement. Also, any use that has a parking requirement, as determined by section 10-10-6 of this title, in excess of fifteen (15) spaces is prohibited.

3. Landscaping: Twenty five percent (25%) of each property shall be maintained in landscaping.

4. Driveway Access: No driveway will open onto the side street for access or ingress to the properties containing the professional offices or commercial uses, nor can any additional curb cuts be made on the side street curbs. However, if there presently exists a driveway that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places. (Ord. 2657, 6-19-2000)

10-4-22.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the warehouse historic overlay district:

(A) Lot Area: The minimum lot size as required by the basic district upon which the overlay is placed.

(B) Lot Occupancy: Same as that of the basic district upon which the overlay is placed.

(C) Building Height: Same as that of the basic district upon which the overlay is placed.

(D) Yards:

1. Front yards: Same as that of the basic district upon which the overlay is placed.
2. Side yards: Same as that of the basic district upon which the overlay is placed.
3. Rear yards: Same as that of the basic district upon which the overlay is placed.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping: Same as that of the basic district upon which the overlay is placed or such additional or other landscaping as required by the historic preservation commission.

(G) Off Street Parking: Same as that of the basic district upon which the overlay is placed. (Ord. 2608, 5-3-1999)

(H) Design Guidelines: No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within this district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "Warehouse Historic District Design Guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 3025, 2-6-2012)

10-4-23.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the residential business district:

(A) Lot Area:

1. The lot size shall be of sufficient size to provide for the building, off street parking, stormwater retention and landscaping.

(B) Lot Occupancy:

1. No building shall occupy more than sixty percent (60%) of a lot.

(C) Building Height: No building shall exceed two (2) stories and shall not exceed thirty five feet (35') in total height.

(D) Building Size:

1. No building shall have a total floor area square footage of greater than six thousand (6,000) square feet.

(E) Yards:

1. Front Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:

a. No structure shall be closer than fifteen feet (15') to the front property line for nonresidential uses.

2. Side Yards:

a. No structure shall be closer than five feet (5') to the side property line (minimum of 10 feet between any structure/building) for nonresidential uses.

3. Rear Yards:

a. For nonresidential uses, the rear yard may be reduced to the side yard setback of five feet (5').

(F) Access:

1. Only One Access Allowed Per Lot: Upon redevelopment of an existing property, if more than one access exists it will be coordinated with the city engineer which access(es) shall be eliminated. Adjoining properties should have joint accesses whenever possible.

2. Driveway Access: No driveway with access to more than two (2) parking spaces will open onto the side street for access or ingress to the properties containing the nonresidential uses, nor can any additional curb cuts be made on the side street curbs. However, if a driveway presently exists that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places.

3. Modifications: When an existing residential structure is converted to a nonresidential use, the driveway requirements above may be modified by the administrator if it can be shown that strict compliance to these development standards is not possible.

(G) Landscaping: Landscaping shall conform to the following standards, or sections 10-7-10 and/or 10-7-12 of this title, whichever is greater:

1. Twenty percent (20%) of each property shall be maintained in landscaping.

2. New development shall encourage planter boxes, barrel planters, and other landscaping in parking areas to reduce the visual impact of parking lots from the road.

(H) Off Street Parking:

1. Any use that has a parking requirement, as determined by section 10-10-6 of this title, in excess of twenty four (24) spaces is prohibited.

2. Off street parking shall conform to the requirements contained in section 10-10-3 of this title. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the planning and zoning commission if it can be shown that strict compliance to these development standards is not possible. Before the parking requirements may be modified, the planning and zoning commission shall hold a public hearing, publish notice, post the property and give written notice to all parties, as required for variance permits.

(I) Signs:

1. Shall comply with chapter 9, "Sign Regulations", of this title. Multiple occupancy buildings shall have a sign plan approved by the administrator.

(J) Walls, Fences And Hedges:

1. Nonresidential Use: Any nonresidential use shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the nonresidential use and any contiguous residential lot or use.

2. Minimum Standards:

a. Screening shall be a minimum six foot (6') fence or wall or a landscaped area or any combination thereof. If it

be a fence or wall it shall be constructed of wood, solid vinyl, metal (not chainlink), concrete or concrete block. If it be a landscaped area, it shall be evergreen bushes or trees and may include an earthen berm.

b. Whenever bushes or trees are used as screening, the screening height may not be less than three feet (3') at the time of planting, providing a minimum height of six feet (6') is achieved within five (5) years after planting.

c. Screening shall completely obscure objects inside the screened area when viewed from any angle outside the screened area and shall be constructed so as to reduce noise, lights and blowing trash.

(K) Building Design Standards:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform to the general residential nature of the neighborhood, consistent with the existing architectural style and design. Where possible, existing residences located in the residential business zoning district should be preserved in their present form and use. Where this is not feasible, individual residences should be allowed to convert into residential business developments. In cases where existing structures and site conditions are prohibitive for conversion, two (2) or more existing lots may be assembled and developed as residential business uses, thereby consolidating site access and creating a more rational parking layout. Once a particular property has been converted to a residential business use, it shall not be allowed to revert to a residential use.

2. Roofs: Roofs are required to be pitched, with a minimum pitch of four to twelve (4:12), and residential in nature.

3. Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces.

4. Commercial Buildings: Commercial buildings on street frontages shall have functional entrances that face the street and have between ten percent (10%) and forty percent (40%) of the facade as windows. Windows shall be nonreflective glass. (Ord. 3073, 8-24-2015)

10-7-10: SPECIAL LANDSCAPING REQUIREMENTS FOR PROPERTIES FRONTING THE COLLEGE OF SOUTHERN IDAHO (CSI) PROPERTY:

In addition to the other landscaping requirements of this title, the following landscaping shall be provided on all properties fronting CSI property on Washington Street North, North College Road, and Falls Avenue except properties containing single and duplex household dwellings:

A berm of at least three feet (3') in height and twelve feet (12') in width shall be provided immediately behind the sidewalk or future sidewalk. The berm shall be planted in grass with a minimum of one conifer tree per three hundred (300) square feet of berm area and a minimum of one deciduous shrub per three hundred (300) square feet. Trees and shrubs may be grouped, but there shall be no open space greater than fifty feet (50') between tree and shrub groupings. (Ord. 2620, 8-2-1999)

10-7-12: SPECIAL LANDSCAPING REQUIREMENTS FOR GATEWAY ARTERIALS:

(A) Gateway Arterials: Gateway arterials include the following streets: Addison Avenue, Addison Avenue East, Addison Avenue West, Blue Lakes Boulevard, Blue Lakes Boulevard North, Blue Lakes Boulevard South, Kimberly Road, Washington Street from Addison Avenue to Second Avenue West, Washington Street North, Washington Street South, Pole Line Road from Rock Creek Canyon to Eastland Drive North, and Eastland Drive from Pole Line Road East to Kimberly Road. (Ord. 2620, 8-2-1999)

(B) Landscaping Requirements: In addition to, and as part of, the landscaping requirements specified elsewhere in this title, the following landscaping shall be provided, retained and maintained on all properties in commercial or industrial zoning districts and fronting gateway arterials: a landscaped strip at least ten feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled, and thirty feet (30') when vacant land or cleared land is being developed, with the following exception: Washington Street North from Addison Avenue to Caswell Avenue will be required to provide a landscaped strip at least ten feet (10') in width immediately behind the sidewalk or future sidewalk when an existing building is being remodeled or vacant land or cleared land is being developed. Any continuous landscaped strip exceeding forty feet (40') in length shall contain a twelve inch (12") minimum height undulating berm. Each separate section of the landscaping strip shall contain trees or shrubs. The plant types in each portion of the landscaping strip shall be as set forth in subsection 10-11-2(A) of this title, except that evergreen trees shall not be required. Each landscaped strip shall be kept clean and free of noxious and other weeds. (Ord. 2978, 10-26-2009)

(C) Hardship: In the case of the expansion of existing commercial developments, these requirements may be modified by the commission if it can be shown by the developer that strict compliance with these requirements will result in the removal of existing and proposed parking spaces below eighty five percent (85%) of the number of spaces required to serve the existing and proposed development. (Ord. 2323, 10-15-1990)

10-11-2: LANDSCAPING:

(A) Minimum Standards: The required minimum size landscaped area shall, as a minimum, have the following plant life:

1. One tree per five hundred (500) square feet of landscaped area. At least fifty percent (50%) of the required trees shall be evergreens. All trees shall have a height of at least four feet (4') when planted.

2. One bush per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the required bushes shall be evergreens.

3. The commission may approve alternative plans or designs to allow innovative landscaping. (Ord. 2012, 7-6-1981)

(B) Approval And Completion:

1. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the development map whenever a ZDA or MHP zoning subdistrict is submitted for approval. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building. (Ord. 3082, 12-8-2014)

2. Landscaping conforming to the approved landscaping plan shall be completed before a certificate of occupancy is issued for the appurtenant building or at such other time as may be agreed upon in writing by the administrator and landowner; however, said agreement shall not extend the completion date beyond the next normal planting season for the proposed vegetation. (Ord. 2620, 8-2-1999)

3. All landscaping shall be maintained in a manner consistent with the minimum requirements of this section. (Ord. 2850, 2-21-2006)

4. Within required landscaped areas, display of vehicles, trailers, pickup shells, tires or any other items for sale is prohibited except upon city approved display pads provided through zoning development agreements (ZDA) or approval through the special use permit process. No such display pads shall be approved within fifteen feet (15') of the sidewalk or future sidewalk. (Ord. 3082, 12-8-2014)

I don't think we want to recommend a ratio of male to female plants as most trees and shrubs are monoecious (having both male and female parts – Stamen and Pistil). The stamen produce pollen while the pistils collect pollen and fertilize ovules to produce fruit. The pollen from monoecious plants is usually heavy and doesn't travel far in the air because it relies on insects to pollenate the pistil of other flowers.

Some plants are Dioecious (having either male or female flowers). These plants rely heavily on wind to cross-pollinate and find a female flower. These are the pollens that get suspended in the air and often inhaled into our bodies, sometimes triggering allergy symptoms. Dioecious male trees would be the main source of high pollen counts in the air.

Let's take a look at the worst pollen producing plants and relate that to the City of Twin Falls.

- Poplars and Willows are already restricted in public ROW. So these plants are not to be installed in parks or along roads. However, we cannot control what private homeowners are doing even though I'm trying to influence nurseries to stop selling them.
- Birch – We don't have very many birch as they are short lived trees that usually die out after 30 years.
- Ash – We have plenty of Ash trees in the city and I've been recommending that we stop planting them due to the threat of Emerald Ash Borer making it's way into Idaho. This tree will not be prohibited but probably on a restricted list as we revise the Tree Selection Guide.
- Pine and Cedar – Evergreen trees are already not recommended in ROW planters but we have plenty of Pines in landscapes across the city.
- Elm – after Dutch Elm disease took out most American Elms, little remain. Here in Twin our unwelcome frequent house guest is the Siberian Elm, which we usually permit for removal, try to reduce in Rock Creek, and do not sell in nurseries.
- Boxelder – As a preferred residence for a variety of pests and limited limb strength, this is another species on my list that we do not want in city public landscapes.

What we can do is identify allergenic trees in our revised selection guide if that is a concern, however, I don't think it's a good idea to make tree selections based solely on pollen count, nor do I think it would be good to restrict species for the same reasons though code.

Hope this helps,

Chance Munns



Parks Superintendent
City of Twin Falls
Parks & Recreation
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Date: Tuesday, January 14, 2025
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to individual Zoning Districts. (PZ24-0136)

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Zoning Districts". This chapter was adopted and amended in various years, ranging from 1981 to 2024.

Like most codes, the city's Title 10 has evolved over time, and as a consequence new provisions have been added without much attention to the over-all organization. There had been provisions that have been added to sections which don't really relate, duplications, and provisions of like content in different locations. Without a word search and a table of contents, it is very difficult to find a specific topic. The following are major changes made to this Chapter:

1. Consolidating the Land Uses from list format to table format has condensed ~76 pages of land use regulations into ~36 pages of land use regulations
2. Consolidating development standards from list formats into tables and applicable illustrations for easier navigation.
3. Consolidation of similar zoning districts see conversion table (See Attached)

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;

- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the zoning district regulations and outline bulk and placement standards.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the Zoning District regulations chapter of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the Zoning District regulations chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. PZ24-0136 New Zoning Districts - Conversion Chart
2. PZ24-0130 Proposed Chapter 2 Zoning Districts
3. PZ24-0136 Current Zoning District Regulations

Proposed Changes	Proposed Zoning Districts
AG , Agricultural District to AG , Agricultural District SUI , Suburban-Urban Interface District to RR , Rural Residential R1-VAR , Residential Single Household District to TN-1 , Town Neighborhood 1 R2 , Residential Single Household or Duplex District to TN-1 , Town Neighborhood 1 R4 , Residential Medium Density District to TN-2 , Town Neighborhood 2 R6 , Residential Multi-Household District to TN-3 , Town Neighborhood 3 CB , Commercial Central Business District to CC , Central City District C1 , Commercial Highway District to CM , Commercial M1 , Light Manufacturing District to Ind 1 , Light Industrial M2 , Heavy Manufacturing District to Ind 2 , Heavy Industrial OS , Open Space District to OS , Open Space District AP , Airport District to AP , Airport District OT , Old Town to CC , Central City District CM , Commercial Mixed Use District to MU , Mixed Use District RM , Residential Mixed Use District to MU , Mixed Use District CSI , College of Southern Idaho District to CSI , College of Southern Idaho District MHO-1 , Mobile Home Overlay District to ELIMINATE PRO , Professional Office Overlay District PRO CRO , Canyon Rim Overlay District to CRO , Canyon Rim Overlay District NCO , Neighborhood Commercial Overlay District to Applicable ZDA WHO , Warehouse Overlay Historic District to ELIMINATE RB , Residential Business District to CMT , Community Market	AG , Agricultural District RR , Rural Residential District TN-1 , Town Neighborhood District 1 TN-2 , Town Neighborhood District 2 TN-3 , Town Neighborhood District 3 CC , Central City District CM , Commercial IND 1 , Light Industrial IND 2 , Heavy Industrial OS , Open Space AP , Airport District MU , Mixed Use CSI , College of Southern Idaho District CRO , Canyon Rim Overlay District CMT , Community Market District P-1 , No Required Parking P-2 , Case by Case PRO , Professional Office Overlay District

10.2: ZONING DISTRICTS

10.2.1 PURPOSE

The purpose of this chapter is to establish zoning districts that reflect community priorities established in *Grow With Us*, the City of Twin Falls' Comprehensive Plan (adopted in 2016), where compatible uses and development densities are assigned to create, protect, and maintain quality of life for all Twin Falls residents.

10.2.2 STANDARDS APPLICABLE TO ALL DISTRICTS

- A. For the purpose of this chapter, a lot shall be one or more lots, platted in accordance with this title, or shall be a parcel/property that may include parts of platted or un-platted lands existing at the effective date hereof.
- B. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building
- C. Access: All lots shall have vehicular access on a dedicated improved public street with a 50 foot minimum right-of-way unless a secondary means of permanent vehicular access has been approved.
- D. Walls, Fences, Hedges, Trees, Shrubs and Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures may be permitted up to the property line, when not in conflict with other provisions of Twin Falls Municipal code 9-9-16.
 - 1. Walls, fences, hedges, trees, shrubs or landscaping structures shall not be placed within public rights of way without first obtaining a Right of Way Encroachment Agreement from the City.
- E. Architectural Projections
 - 1. Architectural projections of detached accessory buildings shall not be closer than two feet to the side property line.
 - 2. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet to the side property line.
 - 3. All architectural projections shall not project more than 3 ft.
- F. Interpretation of Setbacks:
 - 1. Any street frontage shall have a front setback of the applicable zone
 - 2. On a corner lot the rear setback may be reduced to the side yard setback.
 - 3. On a lot that has three front setbacks, the other setback may be reduced to the side yard setback.

G. Accessory Structures:

1. Accessory building shall not be constructed closer than ten feet to a main building.
2. Accessory buildings shall not be constructed in the front setback(s).
3. Accessory buildings shall not be closer than three feet to the side or rear property line(s).
4. If the main building setback is less than three feet, the main building setback shall apply.

10.2.3: OPEN SPACE (OS)

- A. Description & Purpose. The purpose of the Open Space District is to preserve and maintain the natural character, view sheds, ecological habitat, and areas for both passive and active recreation in and around the City of Twin Falls.
- B. Use of Lots: Each building except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a lot shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

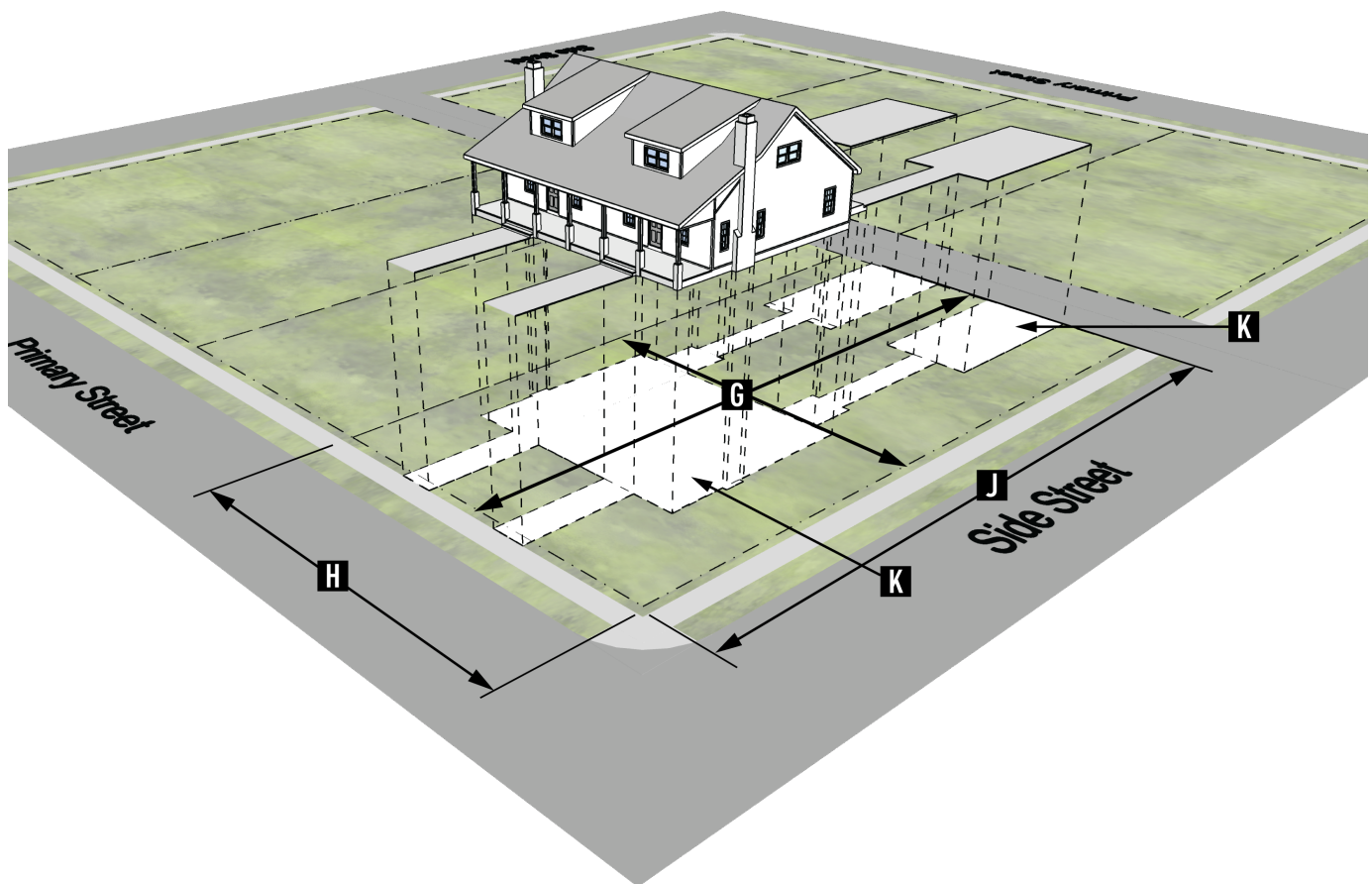


Table 1 Lot Dimensions

Min. Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Max. Coverage
8,000/43,000	n/a	n/a	n/a%
G	H	J	K

C. Property Development Standard

1. Lot Area.

- a. The minimum lot area per household dwelling shall be 8,000 square feet if serviced by centralized sewer, and 43,560 square feet if on septic tanks.
- b. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements if the lot existed at the effective date of this title, and conformed to the minimum lot size requirements of this title at the time it was created, except that residential uses shall be limited to a Detached Single Dwelling Unit.
- c. Each nonresidential use shall have a minimum lot area established by the commission through the Special Use Permit process.

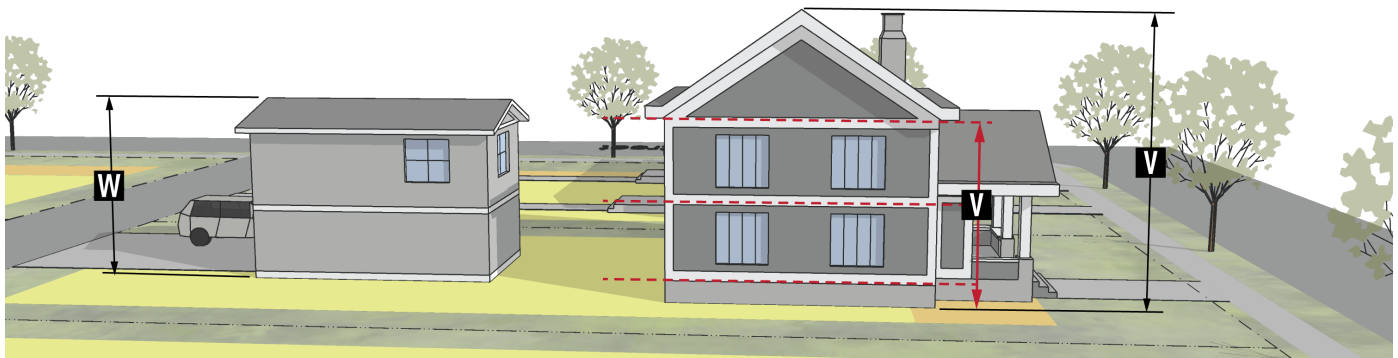


Table 2 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	20	V
Accessory structure	20	W

2. Building Height. No building shall exceed 20 feet in height.
3. Building Setbacks.
 - a. Residential:
 - i. Front Setbacks: 30 ft.
 - ii. Side Setbacks: 7 ft.
 - iii. Rear Setbacks: 30 ft.
 - b. Each nonresidential use shall have a yard established by the commission through the Special Use Permit process.
4. Landscaping. All nonresidential uses shall have the landscaping requirement established by the commission through the Special Use Permit process.

10.2.4: AGRICULTURAL (AG)

- A. Description & Purpose. The purpose of the Agriculture District is to support agricultural production, sales, education, preserve the agricultural character of the built environment, and protect agricultural view sheds.
- B. Use of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a “lot” shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

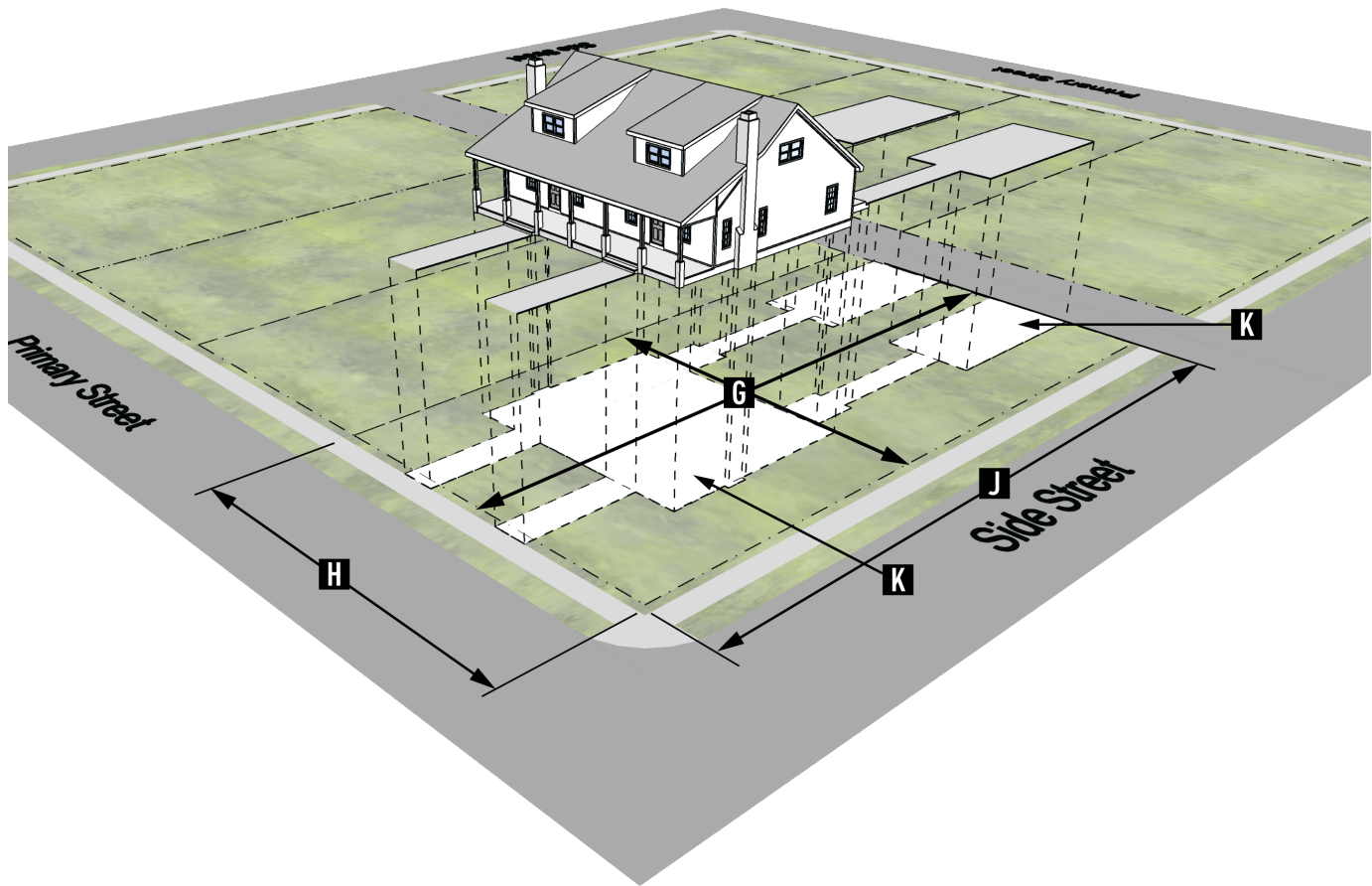


Table 3 Lot Dimensions

Min. Area (acres)	Min. Width (ft.)	Min. Depth (ft.)	Max. Coverage
20	n/a	n/a	n/a%
G	H	J	K

- C. Property Development Standards.

1. Lot Area: The minimum lot area shall be 20 acres.

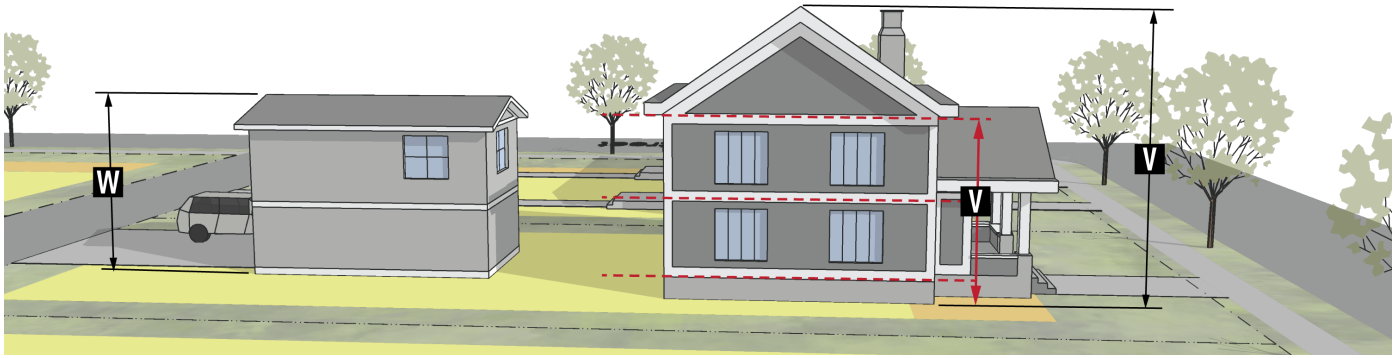


Table 4 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	40	V
Accessory structure	40	W

2. Building Height. No building shall exceed 40 feet in height.

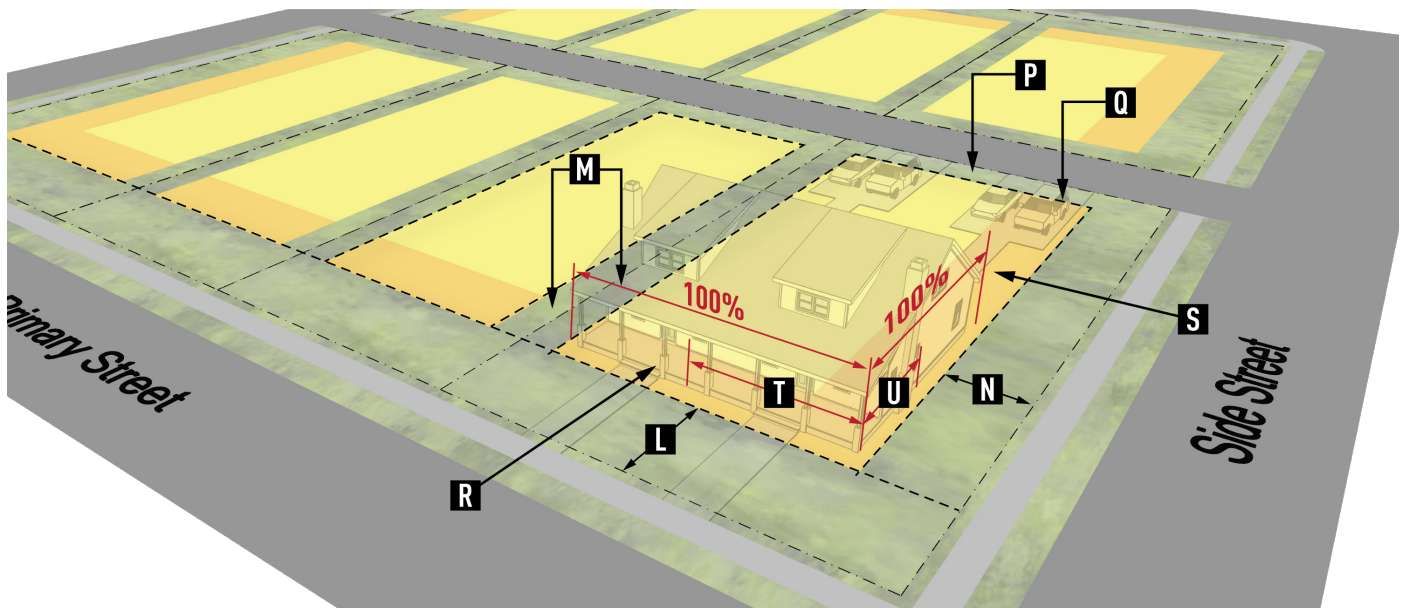


Table 5 Building Setbacks

Building Setbacks	Main	Accessory	Diagram Key
Front	30'	30'	L
Side	7'	3'	M
Rear	n/a	n/a	P
Rear abutting alley	n/a	n/a	Q

3. Building Setback.
 - a. Front Setbacks: The front building line shall not be closer than 30 feet to the front property line.
 - b. Side Setbacks: The side building line shall not be closer than 7 feet to the side property line.
 - c. Rear Setbacks: The rear building line shall not be closer than 30 feet to the rear property line.
4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
6. Building Types Allowed.
 - a. Single Family - 1 unit on 1 lot
 - b. Agricultural - Ag Exempt Buildings
 - c. Accessory Dwelling Unit
 - d. Accessory Buildings

10.2.5: CANYON RIM OVERLAY DISTRICT (CRO)

A. Purpose.

The purpose of the Canyon Rim Overlay District is to protect and preserve the Canyon Rim experience along the Snake River Canyon & Rock Creek Canyon, as well as:

1. To protect the public and private property owners from the natural hazards of rock fall and slope failure along the Snake River Canyon and Rock Creek Canyon.
2. To protect views and create a unique visual environment along the canyon rims. To preserve and improve the aesthetic appearance of the canyon rims for the enhancement of the quality of life in the community.
3. To provide development standards that enhance the value of canyon rim areas for the community.

B. Location:

The Canyon Rim Overlay District shall include all of that area within the City located within 200 feet of the Rock Creek Canyon rim and within 700 feet of the Snake River Canyon rim.

C. Use of Lots: Use of lot is the same as the basic zoning district upon which the overlay is placed.

D. Property Development Standards

1. Lot Area: Same as the underlying zoning district upon which the overlay is placed.

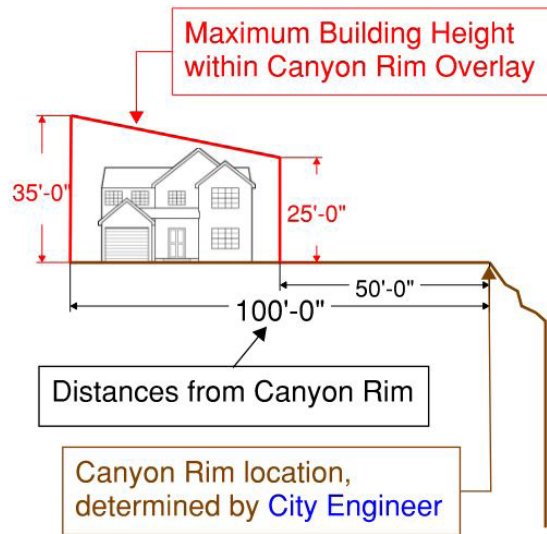


Table 6 Building Height

Building / Structure	Max. Height at 50 ft. (ft.)	Max. Height at 100 ft. (ft.)	Max. Height at 150 ft. (ft.)	Key
Principal building	25	35	50	V
Accessory structure	25	35	50	W

2. Building Height:

- Within the CI Zoning District: No building shall exceed maximum building height of twenty-five feet (25') in height measured at fifty linear feet (50') from the canyon rim and rising evenly to thirty-five feet (35') in height measured at one hundred linear feet (100') from the canyon rim, and thereafter rising evenly to fifty feet (50') in height measured at one hundred fifty linear feet (150') from the canyon rim.
- All other applicable Districts: No building shall exceed maximum building height of twenty-five feet (25') in height measured at fifty linear feet (50') from the canyon rim and rising evenly to thirty-five feet (35') in height measured at one hundred linear feet (100') from the canyon rim.
- All heights are to be measured from the existing canyon rim elevation, or the existing ground level elevation at the building site, whichever elevation is greater.
- Additional Height: Additional height may be requested for those areas beyond the 50 foot Canyon Rim setback by following the Additional Building Height Processes established by 10-8-XX.

3. Building Setbacks.

- Property Line Setback: Same as that of the underlying zoning district upon which the overlay is placed.
- Canyon Rim Setback: The minimum canyon rim setback in the CRO district shall be 100 feet.

- c. Setback Adjustment: The minimum canyon rim setback in the CRO district may be reduced to 50 feet or the minimum setback recommended in a qualified geological report following the process established by 10 - XXXX, whichever results in a greater linear distance from the canyon rim.
- 4. Landscaping.
 - a. Landscaping shall meet the requirements of section 10-6 of this title and shall include the following elements:
 - i. Buffers.
 - A. There shall be a minimum 50 foot landscaped buffer within 50 feet of the Canyon Rim.
 - B. Roads and utilities may cross landscaped buffers, sidewalks and trails may run through them, and permitted freestanding signs and minor utility installations may be placed in them.
 - 5. Parking. Parking areas including 24 or more spaces shall be broken into separate blocks by landscaped areas and pedestrian walks that comprise at least ten percent of the area devoted to parking. Grounding of landscaping shall not be allowed.
 - 6. Canyon Rim Setback Area. The canyon rim setback area may be included as part of the twenty percent (20%) landscaping requirement if the area is landscaped to meet the minimum requirements of subsection 10-6-2.2 of this title or if planted with native vegetation.
- E. Signs. In addition to the general sign regulations, additional special regulations governing sign placement and height in the Canyon Rim Overlay are found in Title 10, Chapter 9.
- F. Building Types: Building types allowed in this zone will be the same as that of the underlying zoning district upon which the overlay is placed.
- G. Additional Development Standards.
 - 1. Form: Buildings that have a footprint of more than 3,000 square feet shall be designed to reduce their apparent mass using one or more of the following techniques:
 - a. Varying Height: Buildings may be "stepped back" in height from the setback line to reduce their apparent mass and visual competition with the canyon wall.
 - b. Varying Setback: The building line facing the canyon rim may be varied (i.e., different portions of the building would be different distances from the setback line).
 - c. Landscaping: Mass plantings and earthworks can be designed and sited to effectively break the apparent mass of a building.
 - 2. Fences. Maximum height of seven feet permitted.

10.2.6: RURAL RESIDENTIAL (RR)

- A. Purpose. The purpose of the Rural Residential District is to provide a transition from agricultural land to town neighborhoods. Typical development in the Rural Residential District is large-lot residential with integrated agricultural/open space uses.
- B. Use of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

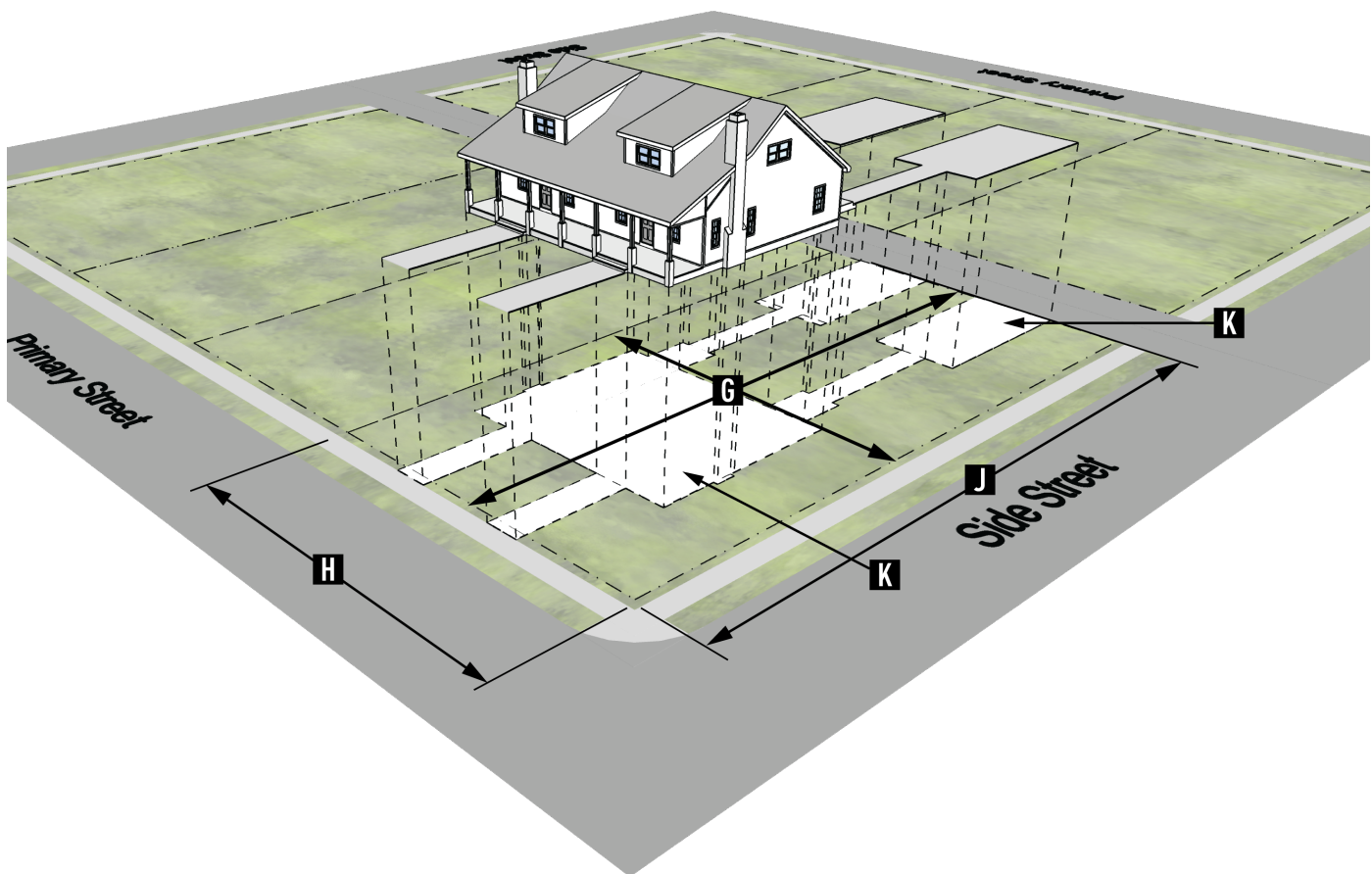


Table 7 Lot Dimensions

Min. Area (acres)	Min. Width (ft.)	Min. Depth (ft.)	Max. Coverage
I	n/a	n/a	n/a%
G	H	J	K

C. Property Development Standards

1. Lot Area. The minimum lot area per household dwelling shall be one acre, or as set forth in the "Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems" as adopted by the South Central District Board of Health, whichever is larger.

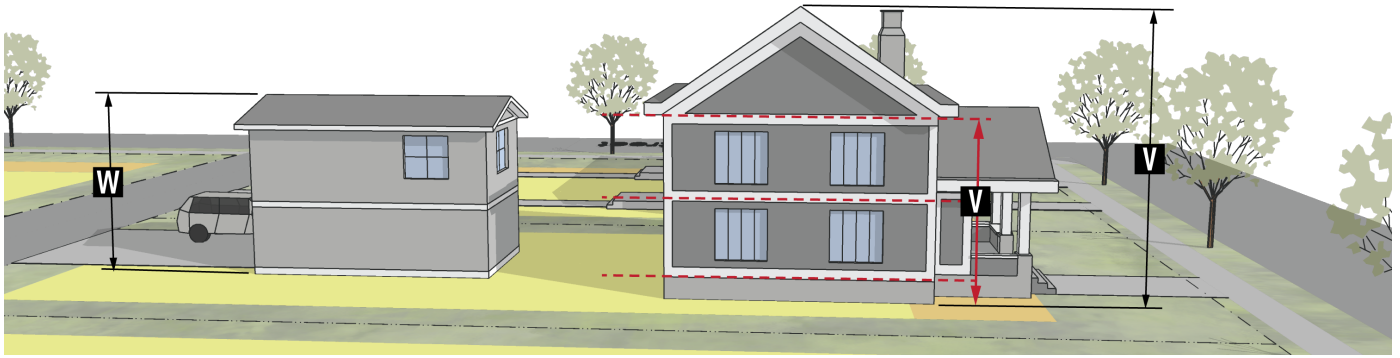


Table 8 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	40	V
Accessory structure	40	W

2. Building Height. No building shall exceed 40 feet in height.

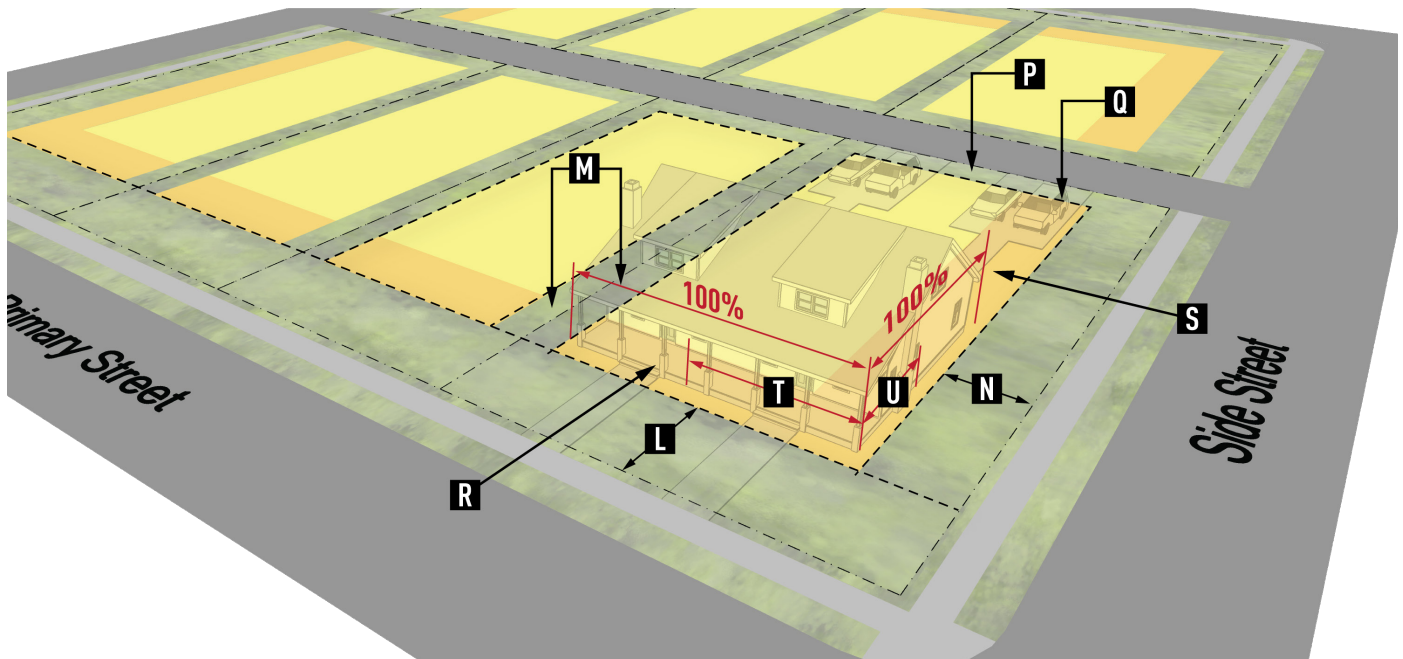


Table 9 Building Setbacks

Building Setbacks	Main	Accessory	Diagram Key
Front	30'	30'	L
Side	7'	3'	M
Rear	30'	30'	P
Rear abutting alley	n/a	n/a	Q

3. Building Setbacks.
 - a. Front Setbacks: The front building line shall not be closer than 30 feet to the front property line.
 - b. Side Setbacks: The side building line shall not be closer than seven feet to the side property line.
 - c. Rear Setbacks: The rear building line shall not be closer than 30 feet to the rear property line.
4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
6. Building Types Allowed.
 - a. Single Family - 1 unit on 1 lot
 - b. Agricultural - Ag Exempt Buildings
 - c. Accessory Dwelling Unit
 - d. Accessory Buildings

10.2.7: TOWN NEIGHBORHOOD 1 DISTRICT (TN-1)

- A. Purpose. This district is intended to promote and preserve residential development and to provide a low density residential environment with a mix of both single household and duplex dwellings in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required.
- B. Use of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

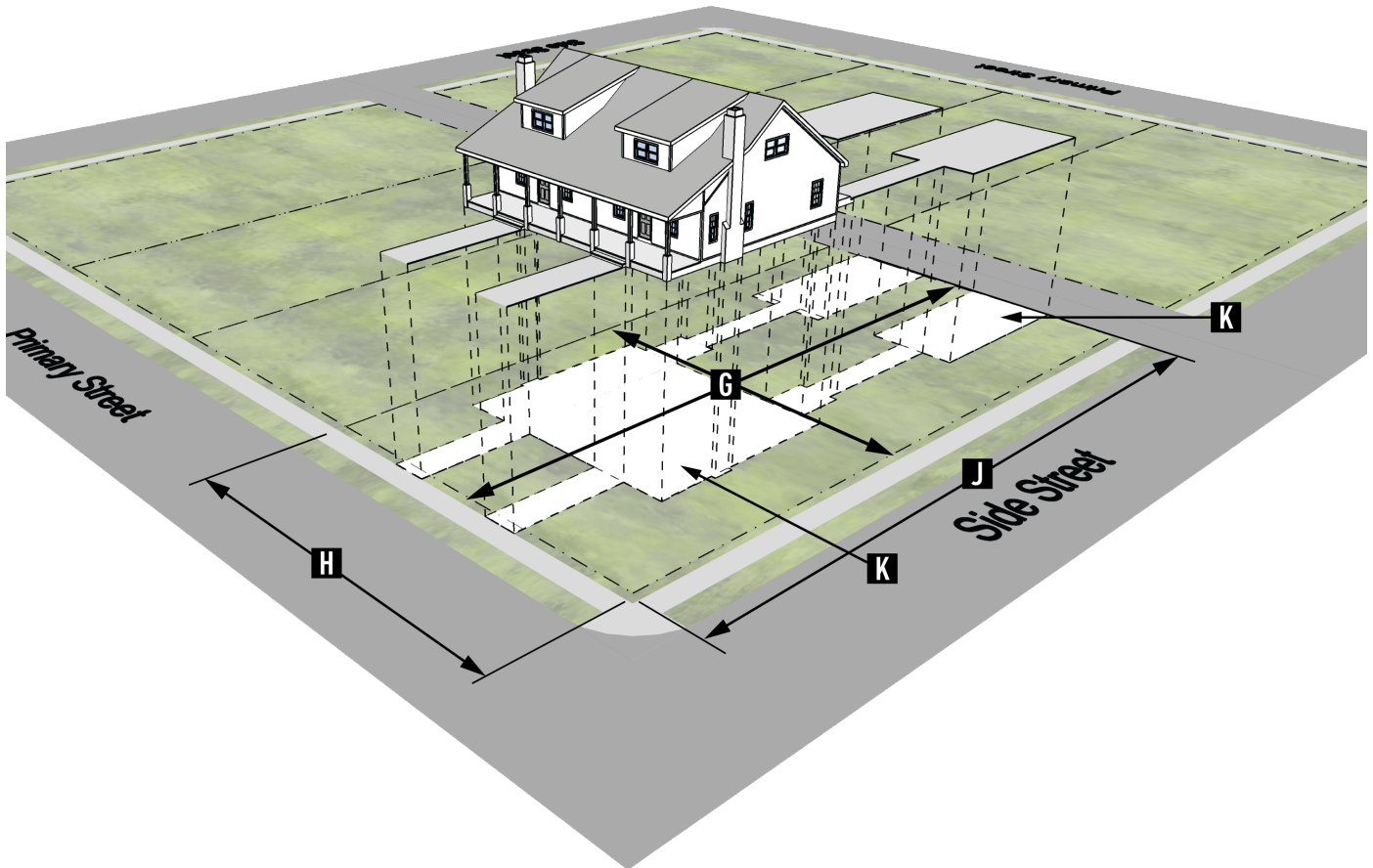


Table 10 Lot Dimensions

Min. Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Max. Coverage
7,000/10,000	n/a	n/a	n/a%
G	H	J	K

- C. Property Development Standards.

1. Lot Area. The minimum lot area shall be 7,000 square feet for a single household dwelling and 10,000 square feet for a duplex dwelling.

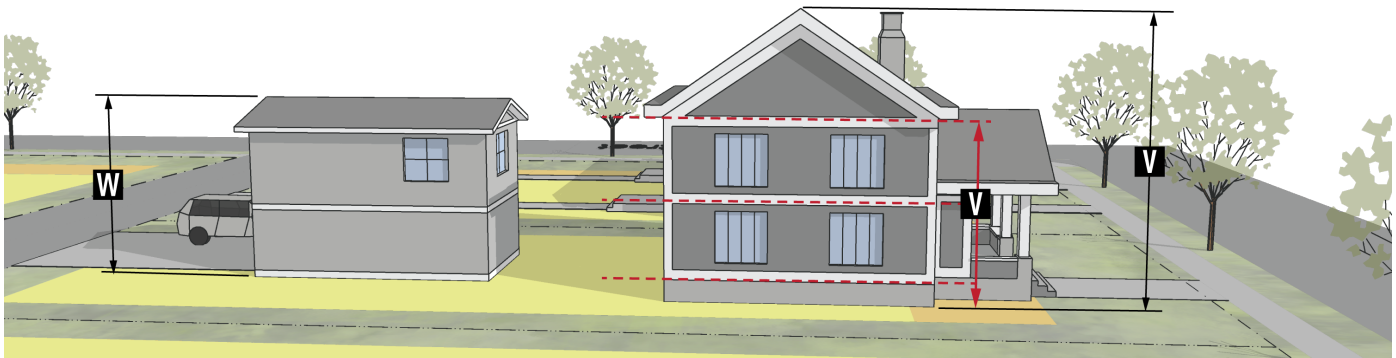


Table 11 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	35	V
Accessory structure	35	W

- Building Height. No building shall exceed 35 feet in height.

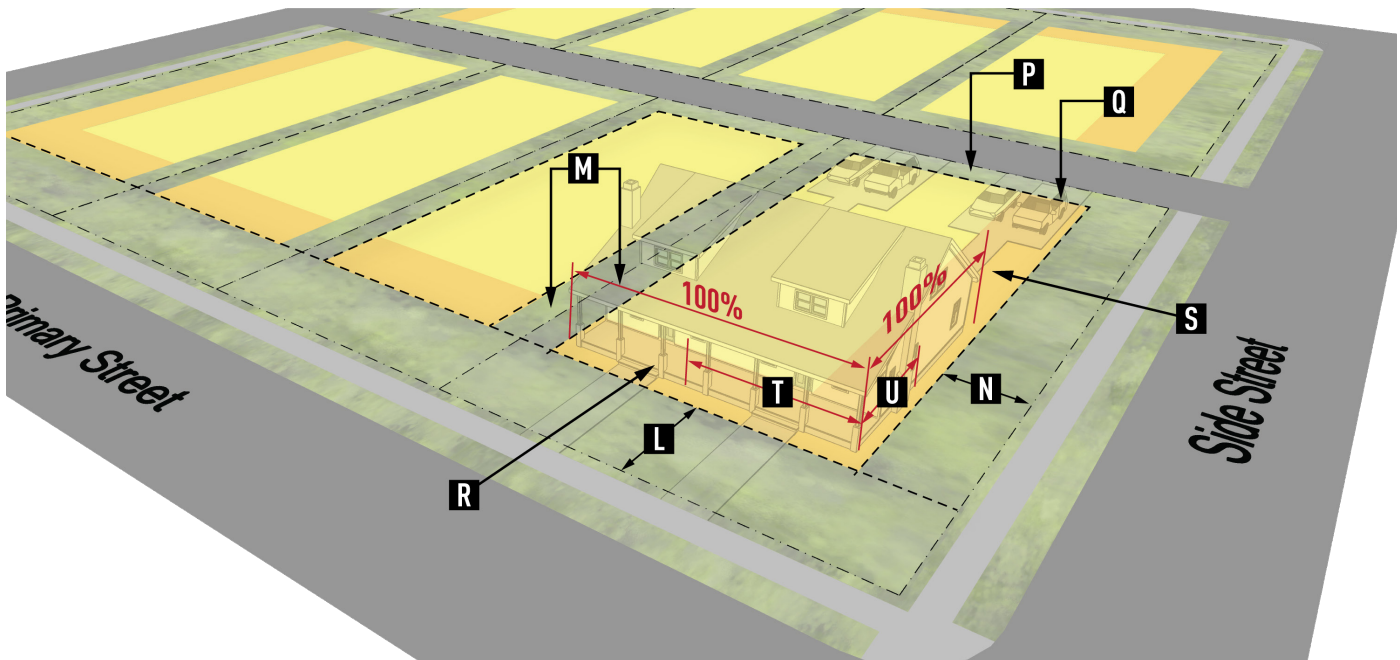


Table 12 Building Setbacks

Building Setbacks	Main	Accessory	Diagram Key
Front	15'/20'	15'	L
Side	7'	3'	M
Rear	15'/20'	5'	P

3. Building Setbacks.
 - a. Front Setbacks: The front building line shall not be closer than 15 feet to the front property line.
 - i. Garages facing any street shall not be closer than 20 feet to the property line.
 - b. Side Setbacks: The side building line shall not be closer than 7 feet to the side property line.
 - c. Rear Setbacks: The rear building line shall not be closer than 15 feet to the rear property line.
4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
6. Building Types Allowed:
 - a. Single Family - 1 unit on 1 lot
 - b. Attached Single Family - Twin home or 1 unit on 1 lot and a shared wall
 - c. Townhome - 3 attached single family units
 - d. Duplex - 2 units on 1 lot
 - e. Agricultural - Ag Exempt Buildings
 - f. Accessory Dwelling Unit
 - g. Accessory Buildings

10.2.8: TOWN NEIGHBORHOOD 2 DISTRICT (TN-2)

- A. Purpose. This district is intended to promote and preserve medium density residential development and to provide a residential environment to allow the present and future residents to live and play in an area with space for personal privacy, minimum vehicular traffic, and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required.
- B. Use of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

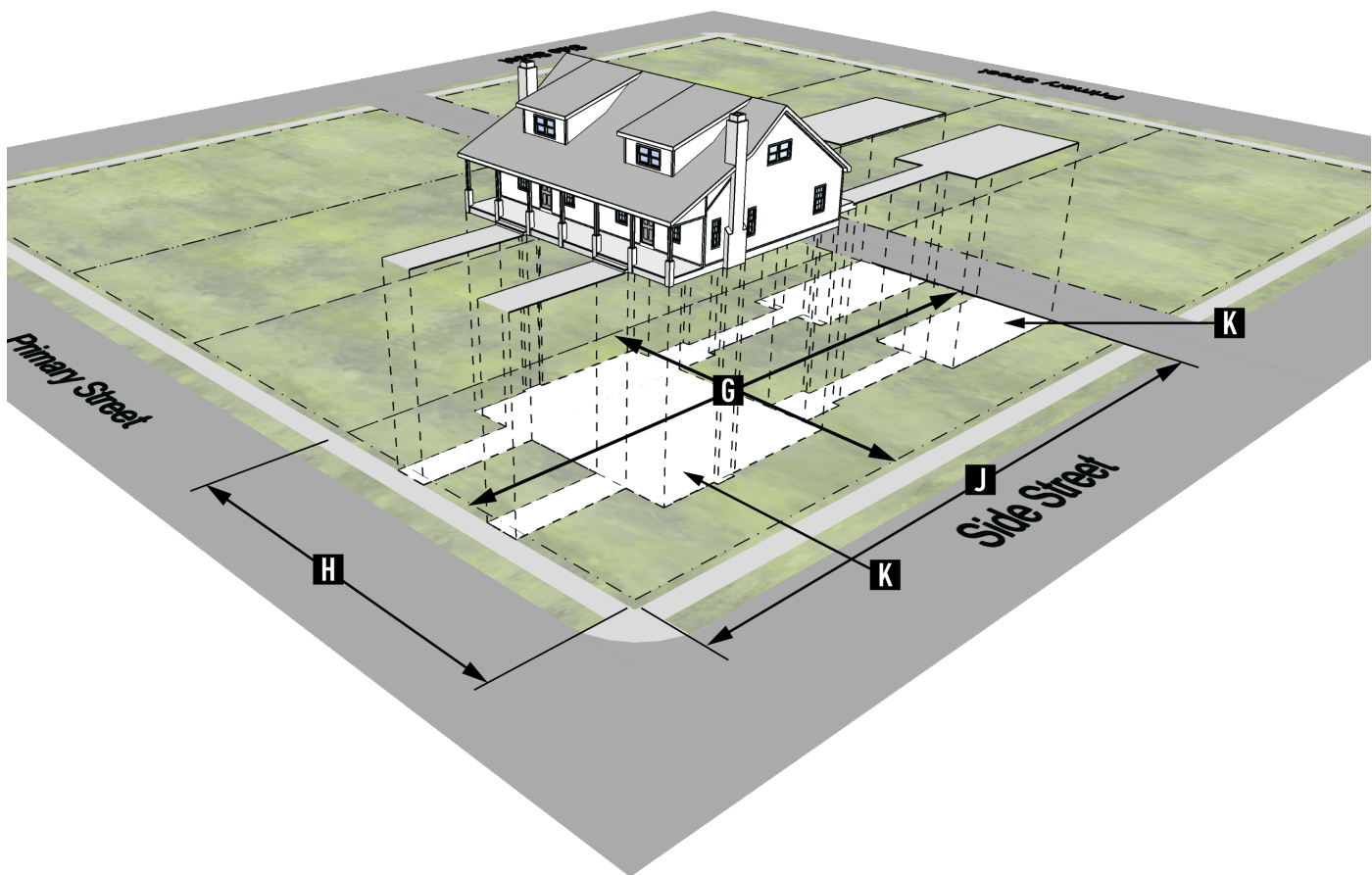


Table 13 Lot Dimensions

Min. Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Max. Coverage
4,000/6,500	n/a	n/a	n/a%
G	H	J	K

C. Property Development Standards.

1. Lot Area. The minimum lot area per single household dwelling shall be 4,000 square feet, 6,500 square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by 2,000 square feet per dwelling unit or 1,000 square feet per unit above or below the ground level unit.

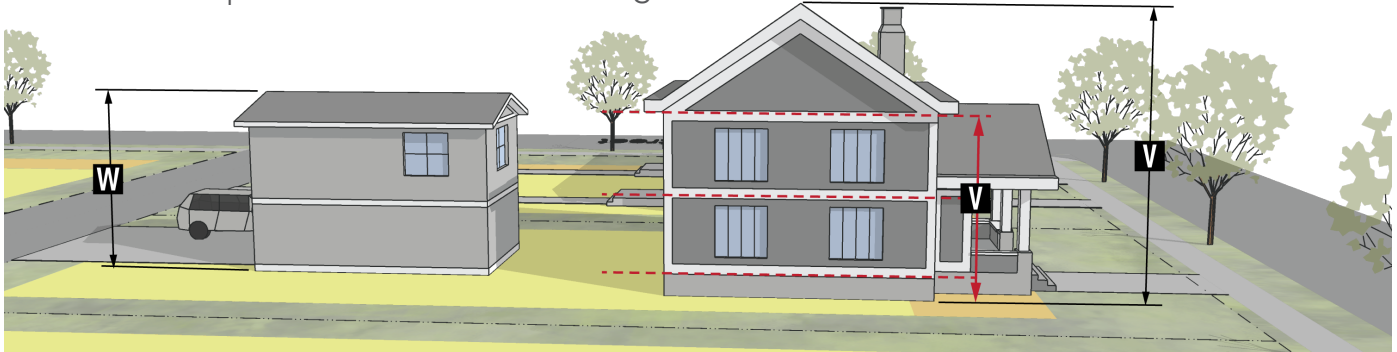


Table 14 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	35	V
Accessory structure	35	W

2. Building Height. No building shall exceed 35 feet in height.

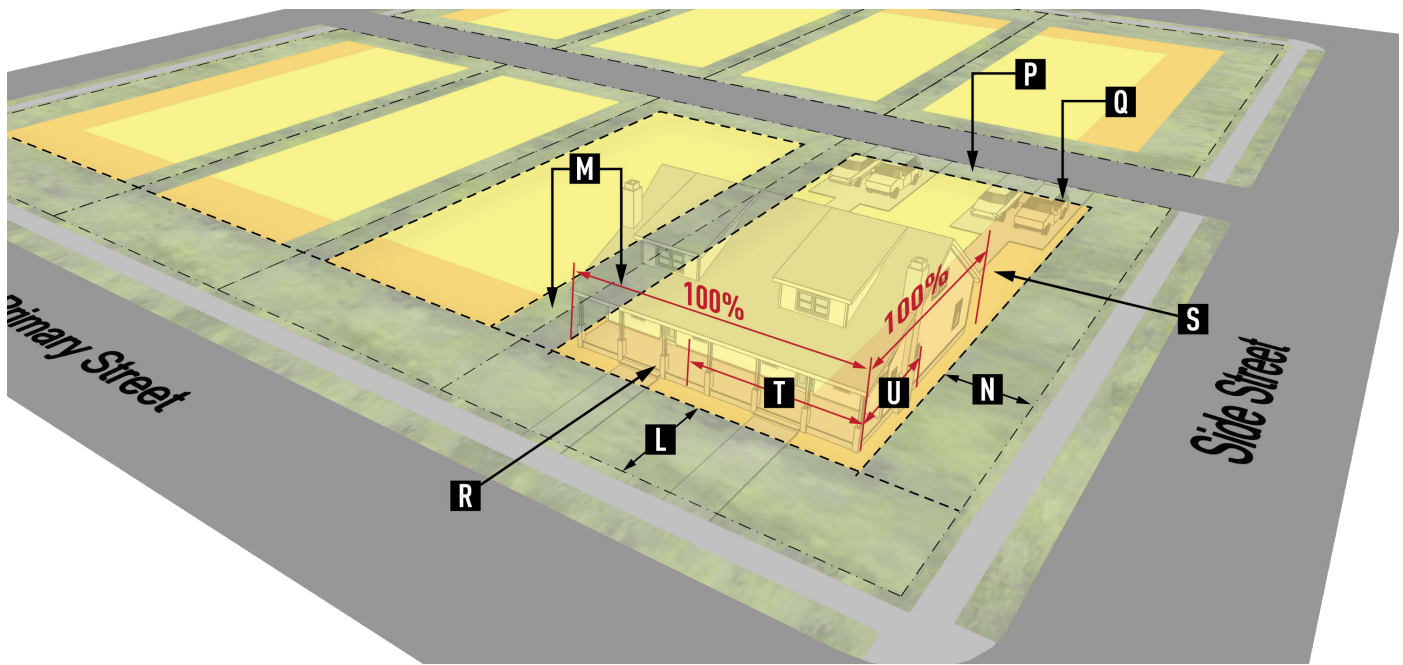


Table 15 Building Setbacks

Building Setbacks	Main	Accessory	Diagram Key
Front	15'/20'	15'/20'	L
Side	15'	3'	M
Rear	15'/20'	5'	P

3. Building Setbacks:

- a. Front Setbacks: The front building line for the primary dwelling shall not be closer than 15 feet to the front property line.
 - i. Garages facing any street shall not be closer than 20 feet to the property line.
- b. Side Setbacks: The side building lines shall not be closer than five feet to the side property line.
- c. Rear Setbacks: The rear building lines shall not be closer than 15 feet to the rear property line for residential uses and 15 feet for other uses.

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4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
 5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
 6. Building Types Allowed:
 - a. Single Family - 1 unit on 1 lot
 - b. Attached Single Family - Twin home or 1 unit on 1 lot and a shared wall
 - c. Townhome - 3 attached single family units
 - d. Duplex - 2 units on 1 lot
 - e. Triplex - 3 units on 1 lot
 - f. Fourplex - 4 units on 1 lot
 - g. Agricultural - Ag Exempt Buildings
 - h. Accessory Dwelling Unit

10.2.9: TOWN NEIGHBORHOOD 3 DISTRICT (TN-3)

- A. Purpose. This district is intended to promote and preserve residential development and to provide a high density residential environment free from encroachment by major commercial and industrial activities with a proportional increase in amenities as density rises. Centralized water and sewer facilities are required
- B. Use of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

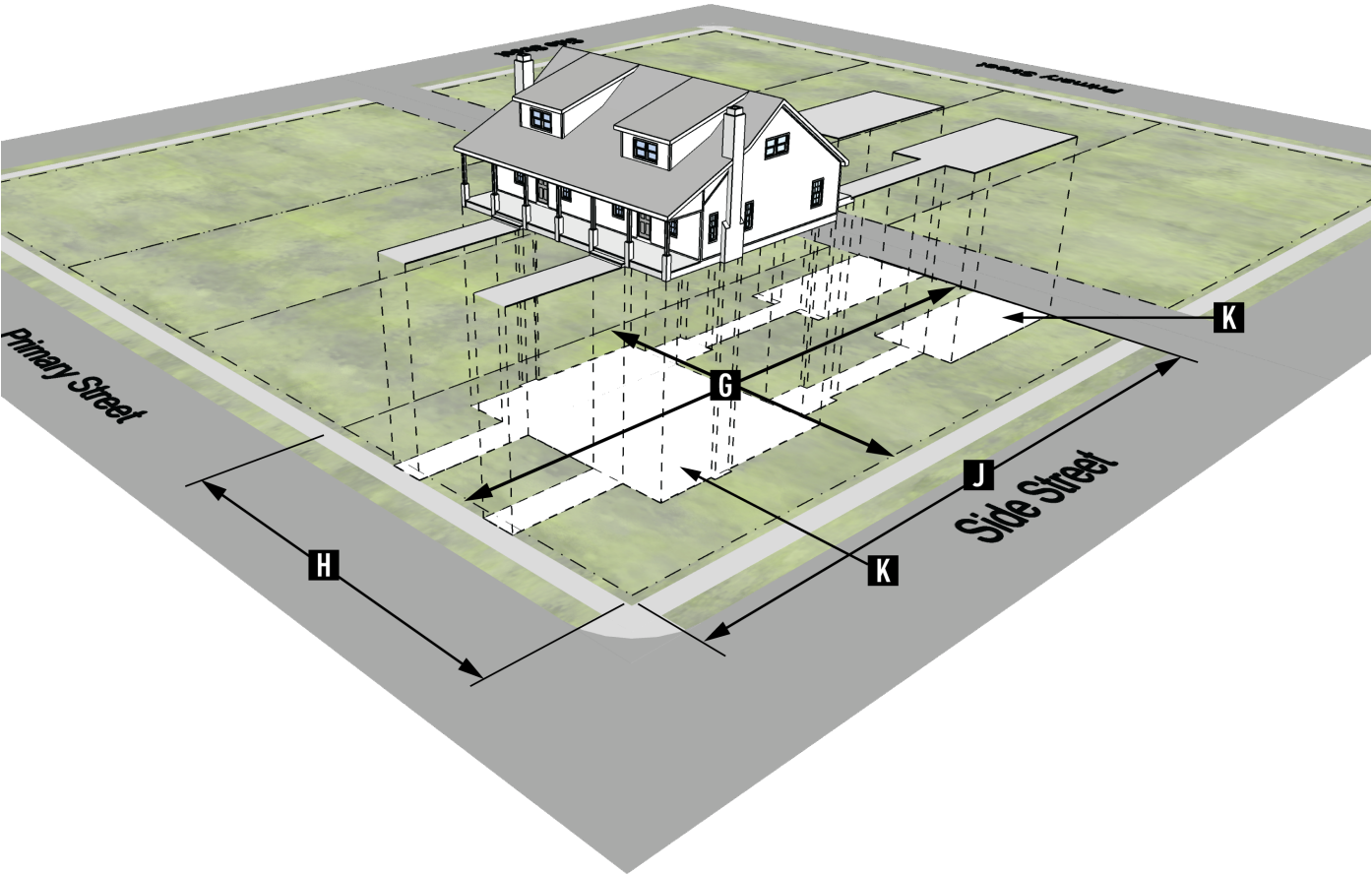


Table 16 Lot Dimensions

Min. Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Max. Coverage
3,500/5,500	n/a	n/a	n/a%
G	H	J	K

C. Property Development Standards.

1. Lot Area. The minimum lot area per single household dwelling shall be 3,500 square feet, 5,500 square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by 2,000 square feet per dwelling unit or 1,000 square feet per unit above or below the ground level unit.

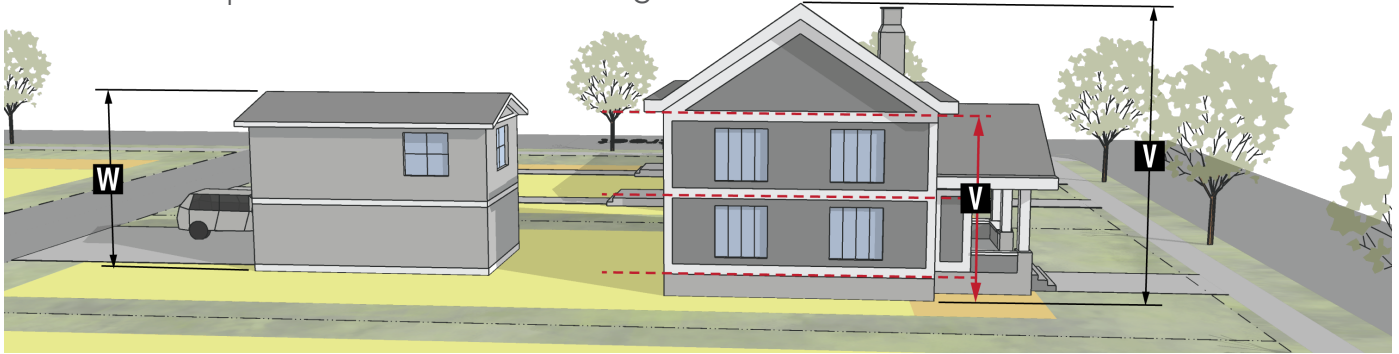


Table 17 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	40	V
Accessory structure	40	W

2. Building Height. No building shall exceed 40 feet in height.

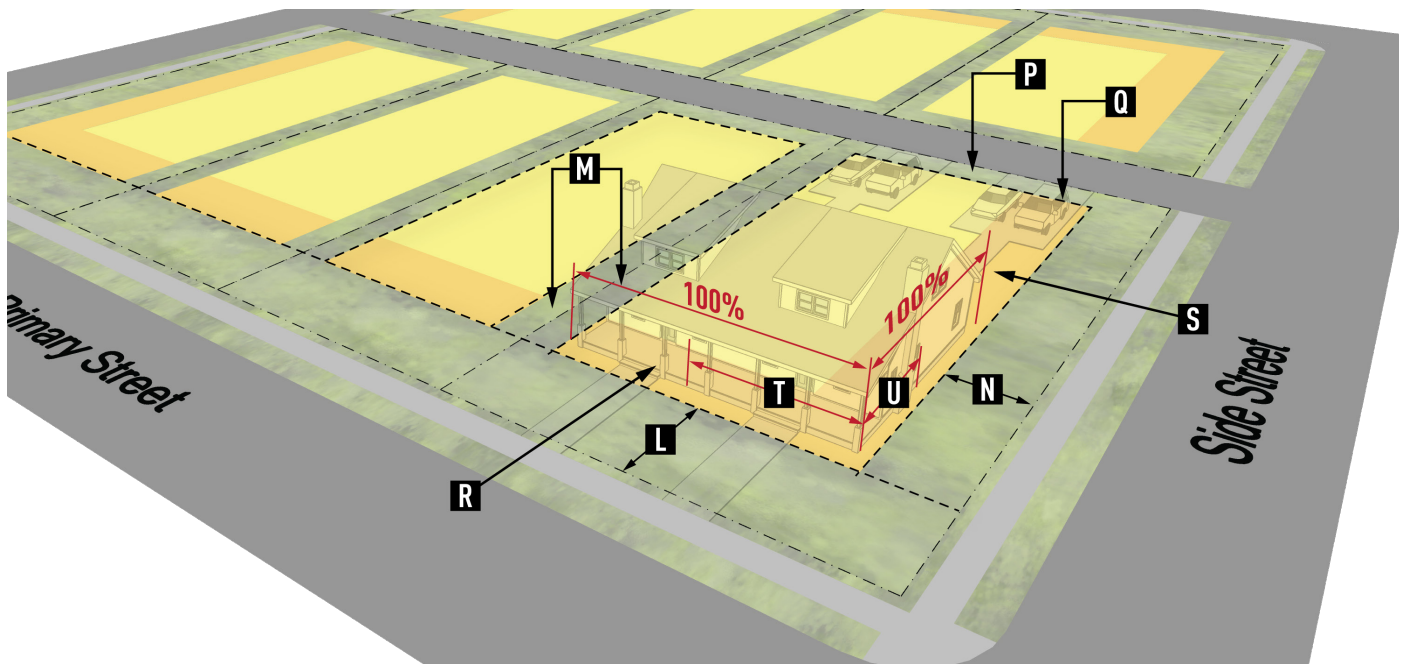


Table 18 Building Setbacks

Building Setbacks	Main	Accessory	Diagram Key
Front	15'/20'	15'/20'	L
Side	15'	3'	M
Rear	15'/20'	5'	P

3. Building Setbacks:

- Front Setbacks: The front building line for the primary dwelling shall not be closer than 15 feet to the front property line.
 - Garages facing any street shall not be closer than 20 feet to the property line.
- Side Setbacks: The side building lines shall not be closer than five feet to the side property line.
- Rear Setbacks: The rear building lines shall not be closer than 15 feet to the rear property line for residential uses and 15 feet for other uses.

4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
6. Building Types Allowed:
 - a. Single Family - 1 unit on 1 lot
 - b. Attached Single Family - Twin home or 1 unit on 1 lot and a shared wall
 - c. Townhome - 3 attached single family units
 - d. Duplex - 2 units on 1 lot
 - e. Triplex - 3 units on 1 lot
 - f. Fourplex - 4 units on 1 lot
 - g. Multifamily - 5+ units on 1 lot
 - h. Agricultural - Ag Exempt Buildings
 - i. Accessory Dwelling Unit
 - j. Accessory Buildings

10.2.10: MIXED-USE DISTRICT (MU)

- A. Purpose. The Mixed-Use District is established to promote a vibrant, inclusive, and sustainable neighborhood that balances residential, commercial, and recreational uses. This district encourages a sense of place and community through thoughtful design, diverse housing options, accessible public spaces, and walkable connectivity to nearby amenities. It supports smart growth principles to enhance livability, foster economic opportunities, and preserve the distinct character of Twin Falls.

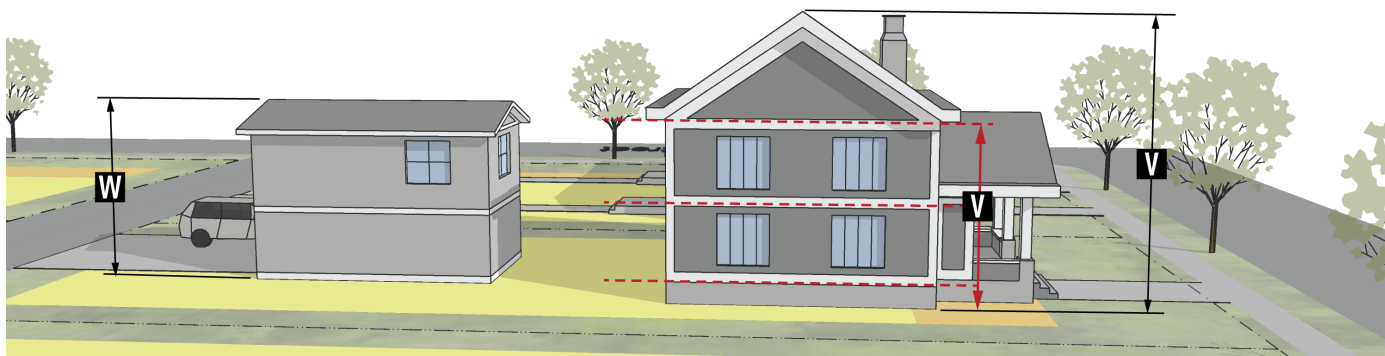


Table 19 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	40	V
Accessory structure	40	W

B. Property Development Standards.

1. Lot Area:
 - a. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
 - b. Residential Uses: Residential uses not attached to a commercial use shall provide the minimum lot area of the TN-3 district or as determined by the ZDA process.
2. Building Height. No building shall exceed 40 feet in height except as provided by section 10-8-# of this title.

3. Building Setbacks.
 - a. Front Setbacks:
 - i. Commercial and residential over 5 units: 35' on major arterials, 15' all other roads.
 - ii. Residential: Standards for TN-3 Zone apply.
 - b. Side Setbacks:
 - i. Commercial and residential over 5 units: 0'
 - ii. Residential: Standards for TN-3 Zone apply.
 - c. Rear Setbacks:
 - i. Commercial and residential over 5 units: 0'
 - ii. Residential: Standards for TN-3 Zone apply.
4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
6. Building Types Allowed:
 - a. Single Family - 1 unit on 1 lot
 - b. Attached Single Family - Twin home or 1 unit on 1 lot and a shared wall
 - c. Townhome - 3 attached single family units
 - d. Duplex - 2 units on 1 lot
 - e. Triplex - 3 units on 1 lot
 - f. Fourplex - 4 units on 1 lot
 - g. Multifamily - 5+ units on 1 lot
 - h. Live-Work - Commercial / Residential
 - i. Commercial - Solely commercial, industrial, etc.
 - j. Agricultural - Ag Exempt Buildings
 - k. Accessory Dwelling Unit
 - l. Accessory Buildings

10.2.11: COMMUNITY MARKET DISTRICT (CMT)

- A. Purpose. The purpose of the Community Market District is to provide supporting services and neighborhood-scale commercial and office development for surrounding residential uses. Such development should be designed to complement the surrounding neighborhood character.
- B. Use of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

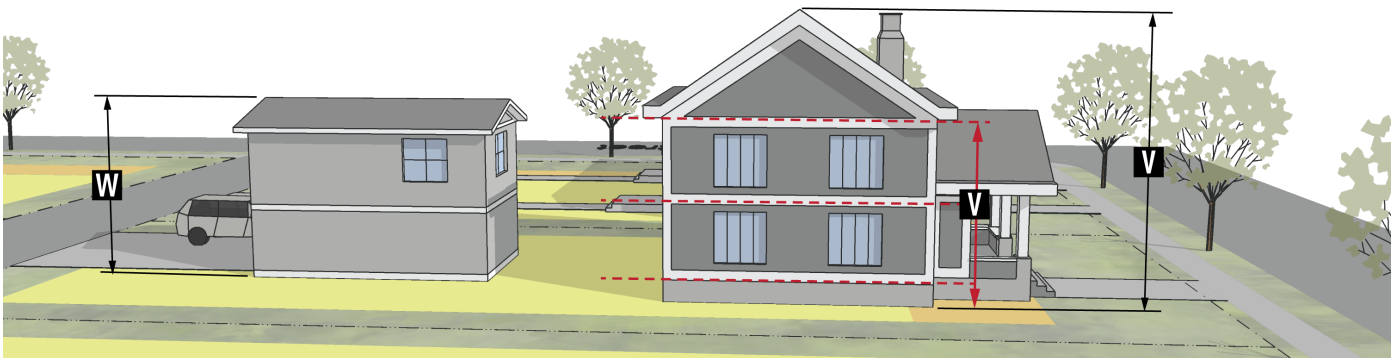


Table 20 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	35	V
Accessory structure	35	W

C. Property Development Standards.

1. Lot Area.
 - a. Commercial Uses: The lot area shall be of sufficient size to provide for the building, off street parking and landscaping.
 - b. Residential Uses: Residential uses less than five units and not attached to a commercial use shall provide the minimum lot area of the Town Neighborhood 2 (TN-2) district.
2. Building Height. No building shall exceed 35 feet in height except as provided by section 10-8-# of this title.

3. Building Setbacks.
 - a. Front Setbacks: A setback of 35 feet shall be maintained on major arterials and 15 feet on all other streets.
 - b. Side Setbacks:
 - i. Commercial and residential over 5 units: 0' or 15' from residential zones
 - ii. Residential: 15'
 - c. Rear Setbacks:
 - i. Commercial and residential over 5 units: 0' or 15' from residential zones
 - ii. Residential: 15'
4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
6. Building Types Allowed:
 - a. Single Family - 1 unit on 1 lot
 - b. Attached Single Family - Twin home or 1 unit on 1 lot and a shared wall
 - c. Townhome - 3 attached single family units
 - d. Duplex - 2 units on 1 lot
 - e. Triplex - 3 units on 1 lot
 - f. Fourplex - 4 units on 1 lot
 - g. Multifamily - 5+ units on 1 lot
 - h. Live-Work - Commercial / Residential
 - i. Commercial - Solely commercial, industrial, etc.
 - j. Agricultural - Ag Exempt Buildings
 - k. Accessory Dwelling Unit
 - l. Accessory Buildings

10.2.12: CENTRAL CITY DISTRICT (CC)

- A. Purpose. The Central City District is established to serve as the economic, cultural, and civic heart of Twin Falls, fostering a dynamic, mixed-use environment that promotes growth, innovation, and community engagement. This district supports a blend of residential, commercial, entertainment, and institutional uses, encouraging higher density development while preserving the historic character and walkable nature of the city center.

By prioritizing pedestrian-oriented design, public spaces, and sustainable infrastructure, the Central City District enhances connectivity, economic opportunity, and quality of life for residents, businesses, and visitors. It seeks to revitalize underutilized spaces, attract new investment, and create a vibrant destination that reflects the unique identity and values of Twin Falls.

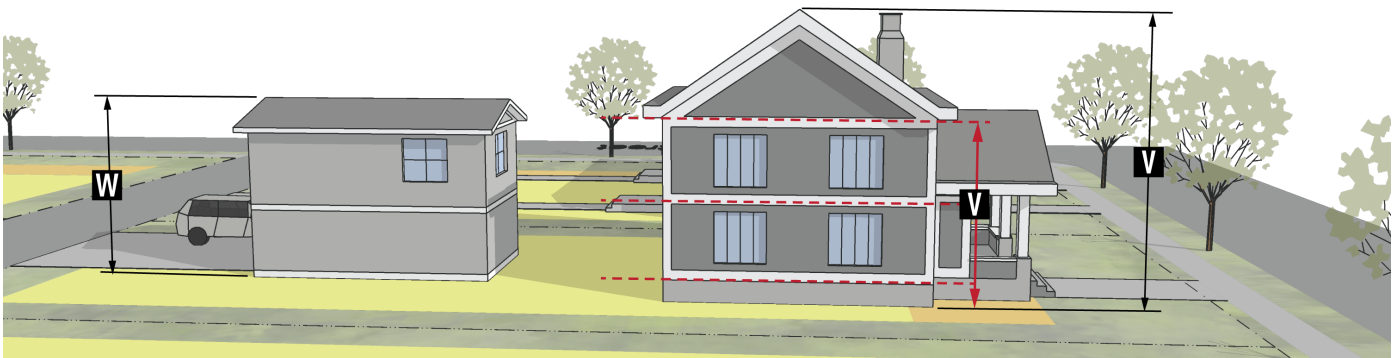


Table 21 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	65	V
Accessory structure	65	W

- B. Property Development Standards.

1. Lot Area. The lot area shall be of sufficient size to provide for the building, off street parking and landscaping.
2. Building Height. No building shall exceed 65 feet in height except as provided by section 10-8-# of this title.
3. Building Setbacks. No property line setbacks for uses unless specified by the Planning and Zoning Commission through the Special Use Permit process.

-
4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
 5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
 6. Building Types Allowed:
 - a. Townhome - 3 attached single family units
 - b. Multifamily - 5+ units on 1 lot
 - c. Live-Work - Commercial / Residential
 - d. Commercial - Solely commercial, industrial, etc.
 - e. Agricultural - Ag Exempt Buildings
 - f. Accessory Dwelling Unit
 - g. Accessory Buildings

10.2.13: COMMERCIAL DISTRICT (COM)

A. Purpose.

The Standard Commercial District is designed to accommodate a wide range of retail, service, and office uses that support the economic vitality of Twin Falls. This district serves as a key commercial hub, providing essential goods, services, and employment opportunities to residents, businesses, and visitors.

Characterized by medium-intensity development, the district features a variety of commercial establishments, including shopping centers, restaurants, professional offices, and service providers. Site design emphasizes safe and efficient vehicular access, ample parking, and connectivity to adjacent neighborhoods and transportation corridors.

While auto-oriented in nature, the district encourages pedestrian access through sidewalks, landscaping, and clear pathways that enhance the customer experience. Development standards promote functional, attractive buildings and site layouts that integrate with the surrounding community and maintain the city's visual appeal.

The Standard Commercial District supports a balance of economic growth and community needs, providing a flexible framework for businesses to thrive while fostering a welcoming, accessible, and well-maintained commercial environment for all of Twin Falls.

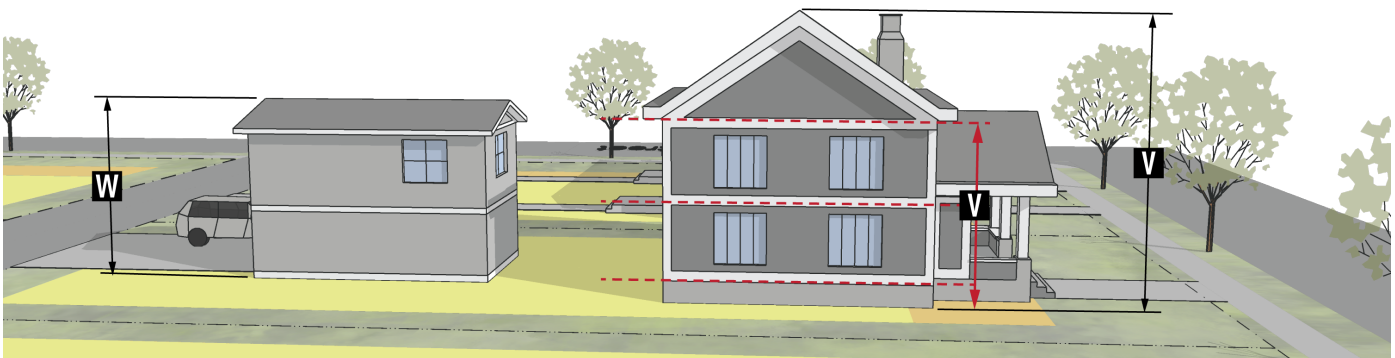


Table 22 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	50	V
Accessory structure	50	W

B. Property Development Standards.

1. Lot Area: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Building Height: No building shall exceed 50 feet height except as provided by section 10-8-# of this title.
3. Building Setbacks.
 - a. Commercial Uses and Residential Uses with Five Or More Units Per Building:
 - i. Front Setbacks: A setback of 20 feet shall be maintained on major arterials and

ten feet on all other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:

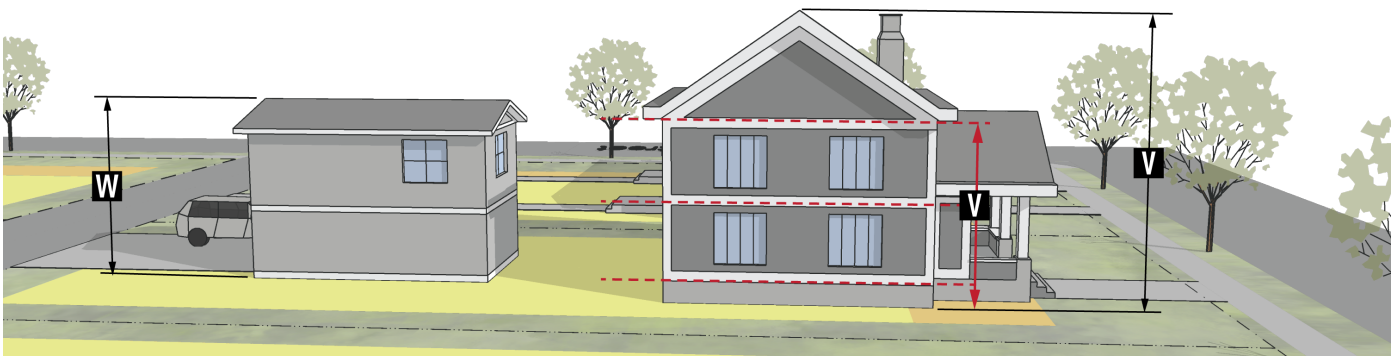
- A. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required 35 feet property line setback on arterial streets, providing the property line setback is not less than 30 feet for a pump island nor less than 20 feet for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
 - B. Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of 20 feet or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission.
- ii. Side and Rear Setbacks: No property line setbacks are required on side yard or rear yards when adjacent to existing commercial uses, existing residential uses with five or more units per building, vacant property that is zoned for nonresidential development, or vacant property that is designated on the future land use plan for nonresidential development. A property line setback of 25 feet shall be maintained on the side yard and rear yard for buildings adjacent to existing residential uses with four or fewer units per building, vacant property that is zoned for residential development or vacant property that is designated on the future land use plan for residential development.
- 4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
 - 5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
 - 6. Building Types Allowed
 - a. Townhome - 3 attached single family units
 - b. Multifamily - 5+ units on 1 lot
 - c. Live-Work - Commercial / Residential
 - d. Commercial - Solely commercial, industrial, etc.
 - e. Agricultural - Ag Exempt Buildings
 - f. Accessory Dwelling Unit
 - g. Accessory Buildings

10.2.14: INDUSTRIAL DISTRICTS (IND 1 & IND 2)

- A. Purpose. The purpose of the Industrial District is to provide manufacturing and light industrial uses and limit the encroachment of non-industrial development within established industrial areas.
- B. Property Development Standards.
 1. Lot Area: The lot area shall be of sufficient size to provide for the building, the required setbacks, offstreet parking and landscaping. Each nonresidential use shall have a minimum lot area established by the commission.
 2. Building Height. No building shall exceed 75 feet in height except as provided by section 10-8-# of this title.
 3. Building Setbacks.
 - a. Commercial Uses:
 - i. Front Setbacks: A setback of 20 feet shall be maintained on major arterials and ten feet on all other streets. In developed areas which have building lines already

Table 23 Building Height

Building / Structure	Max. Height (ft.)	Key
Main building	75	V
Accessory structure	75	W



established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:

- A. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required 35 feet property line setback on arterial streets, providing the property line setback is not less than 30 feet for a pump island nor less than 20 feet for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
- B. Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of 20 feet or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission.
 - ii. Side Setbacks: Commercial Uses have a zero foot side and rear yard setback.
- b. Residential Uses: Residential uses shall conform to the yard standards of the TN-3 district.
- 4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.
- 5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.
- 6. Building Types Allowed
 - a. Live-Work - Commercial / Residential
 - b. Commercial - Solely commercial, industrial, etc.
 - c. Agricultural - Ag Exempt Buildings
 - d. Accessory Buildings
- 7. H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons.

10.2.15: AIRPORT DISTRICT (AP)

A. Purpose

The purpose of the Airport District is to support safe airport operations and promote compatible airport-related development that will accommodate expansion of airport operations over time.

B. Property Development Standards

1. Lot Area.

- a. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
- b. Agricultural & Residential Uses: Minimum of 20 acres.

2. Building Height.

- a. Non-Airport Related buildings and structures: No building or structure shall exceed 35 feet in height. The Planning & Zoning Commission may authorize additional height for structures as provided in Federal Aviation Agency regulations part 77.
- b. Airport Related structures: Structures approved by airport staff and adhering to Federal Aviation Agency regulations part 77 are exempted from this restriction.

3. Building Setbacks.

- a. Front Setbacks: As approved by the Airport.
- b. Side Setbacks: As approved by the Airport.
- c. Rear Setbacks: As approved by the Airport.

4. Off-Street Parking. Off-street parking shall meet the requirements of section 10-5 of this title.

5. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.

10.2.16: COLLEGE OF SOUTHERN IDAHO DISTRICT (CSI)

A. Purpose

The purpose of the College of Southern Idaho District is for the City to give the necessary autonomy to the College to achieve its academic goals and objectives. The only properties that are eligible for this designation are those owned and operated by the College.

B. Property Development Standards

1. Lot Area. N/A
2. Building Height. No building shall exceed 40 feet in height except as provided by section 10-8-# of this title.
3. Building Setbacks.
 - a. Front Setbacks: Setbacks on arterial frontages shall be 35 feet from property line and 15 feet on other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the Commission.
 - b. Side Setbacks: 0' or 15' from residential zones.
 - c. Rear Setbacks: 0' or 15' from residential zones.
4. Landscaping. Landscaping shall meet the requirements of section 10-6 of this title.

CHAPTER 4

ZONING DISTRICT REGULATIONS

SECTION:

10-4-1: AG, Agricultural District

10-4-1.1: Purpose

10-4-1.2: Use Regulations

10-4-1.3: Property Development Standards

10-4-2: SUI, Suburban-Urban Interface District

10-4-2.1: Purpose

10-4-2.2: Use Regulations

10-4-2.3: Property Development Standards

10-4-3: R1-VAR, Residential Single Household District

10-4-3.1: Purpose

10-4-3.2: Use Regulations

10-4-3.3: Property Development Standards

10-4-4: R2, Residential Single Household Or Duplex District

10-4-4.1: Purpose

10-4-4.2: Use Regulations

10-4-4.3: Property Development Standards

10-4-5: R4, Residential Medium Density District

10-4-5.1: Purpose

10-4-5.2: Use Regulations

10-4-5.3: Property Development Standards

10-4-6: R6, Residential Multi-Household District

10-4-6.1: Purpose

10-4-6.2: Use Regulations

10-4-6.3: Property Development Standards

10-4-7: CB, Commercial Central Business District

10-4-7.1: Purpose

10-4-7.2: Use Regulations

10-4-7.3: Property Development Standards

10-4-8: C1, Commercial Highway District

10-4-8.1: Purpose

10-4-8.2: Use Regulations

10-4-8.3: Property Development Standards

10-4-9: M1, Light Manufacturing District

10-4-9.1: Purpose

10-4-9.2: Use Regulations

10-4-9.3: Property Development Standards

10-4-10: M2, Heavy Manufacturing District

10-4-10.1: Purpose

10-4-10.2: Use Regulations

10-4-10.3: Property Development Standards

10-4-11: OS, Open Space District

10-4-11.1: Purpose

10-4-11.2: Use Regulations

10-4-11.3: Property Development Standards

10-4-12: AP, Airport District

10-4-12.1: Purpose

10-4-12.2: Use Regulations

10-4-12.3: Property Development Standards

10-4-13: OT, Old Town District

10-4-13.1: Purpose

10-4-13.2: Use Regulations

10-4-13.3: Property Development Standards

10-4-14: CM, Commercial Mixed Use District

10-4-14.1: Purpose

10-4-14.2: Use Regulations

10-4-14.3: Property Development Standards

10-4-15: RM, Residential Mixed Use District

10-4-15.1: Purpose

10-4-15.2: Use Regulations

10-4-15.3: Property Development Standards

10-4-16: CSI, College Of Southern Idaho District

10-4-16.1: Purpose

10-4-16.2: Use Regulations

10-4-16.3: Property Development Standards

10-4-17: MHO-1, Mobile Home Overlay District-One

10-4-17.1: Purpose

10-4-17.2: Use Regulations

10-4-17.3: District Size

10-4-17.4: Property Development Standards

10-4-18: PRO, Professional Office Overlay District

10-4-18.1: Purpose

10-4-18.2: Use Regulations

10-4-18.3: Property Development Standards

10-4-19: CRO, Canyon Rims Overlay District

10-4-19.1: Purposes

10-4-19.2: Location

10-4-19.3: Property Development Standards

10-4-20: WPO, Wellhead Protection Overlay District

10-4-20.1: Short Title And Purpose

10-4-20.2: Definitions

10-4-20.3: Establishment Of Wellhead Protection Overlay District

10-4-20.4: Prohibited Uses Within District Ia Of The Wellhead Protection Area

10-4-20.5: Prohibited Uses Within District Ib Of The Wellhead Protection Area

10-4-20.6: Prohibited Uses Within District II Of The Wellhead Protection Area

10-4-20.7: Prohibited Uses Within District III Of The Wellhead Protection Overlay District

10-4-20.8: Notice Of Proposed Action To Operator Of Public Or Community Water Supply

10-4-20.9: Nonconforming Uses

10-4-20.10: Enforcement

10-4-20.11: Amendments

10-4-21: NCO, Neighborhood Commercial Overlay District

10-4-21.1: Purpose

10-4-21.2: Use Regulations

10-4-21.3: Property Development Standards

10-4-22: WHO, Warehouse Historic Overlay District

10-4-22.1: Purpose

10-4-22.2: Use Regulations

10-4-22.3: Property Development Standards

10-4-23: RB, Residential Business District

10-4-23.1: Purpose

10-4-23.2: Use Regulations

10-4-23.3: Property Development Standards

10-4-1: AG, AGRICULTURAL DISTRICT:

10-4-1.1: PURPOSE:

This district is intended to preserve the rural integrity of areas adjacent to the City. (Ord. 2796, 6-14-2004)

10-4-1.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:

- a. Farms - animals on pasture.
- b. Farms - plants and trees.
- c. Intensive agricultural units of five (5) acres or more without residential facilities.
- d. Agritourism activities located more than three hundred feet (300') from residentially zoned property or residential uses

2. Communications and utilities:

- a. Underground and aboveground transmission lines.
- b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

3. Cultural facilities:

- a. Historic sites and monuments.

4. Parks:

- a. Open space.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds without crowd attracting facilities.

5. Residential:

- a. Accessory buildings (less than 1,500 square feet), personal swimming pools and other accessory uses.
- b. Dwellings - detached single household. (Ord. 2526, 5-20-1996; amd. Ord. 2773, 12-15-2003; Ord. 2018-007, 8-20-2018)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken.

Special use permits may be granted for the following uses:

1. Agricultural:
 - a. Farms - fish.
 - b. Agritourism activities located within three hundred feet (300') of any residentially zoned property or residential uses, or any agritourism activity involving outdoor amplified sound or music.
2. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
3. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Zoos.
4. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
5. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
6. Public assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - public.
7. Residential:
 - a. Detached accessory buildings (more than 1,500 square feet) i.e., garages and other accessory buildings.
 - b. Home occupations.
 - c. Bed and breakfast facilities.
8. Services:
 - a. In home daycare services.
9. Sports facilities:
 - a. Athletic areas.
 - b. Equestrian facilities and/or riding stables.
 - c. Golf courses and country clubs.
 - d. Golf driving ranges.
 - e. Miniature golf courses.
 - f. Outdoor, public and commercial ice and roller skating facilities.
 - g. Outdoor, public and commercial swimming pools.
 - h. Outdoor, public and commercial tennis courts.
10. Transportation:
 - a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006; Ord. 2018-007, 8-20-2018)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-1.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the AG District: (Ord. 2796, 6-14-2004)

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling and per farm shall be twenty (20) acres.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height except those used for the storage of farm produce. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential/nonagricultural uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply to the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed

within public rights-of-way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

10-4-2: SUI, SUBURBAN-URBAN INTERFACE DISTRICT:

10-4-2.1: PURPOSE:

This district is intended to provide a transition district from agricultural land uses to residential land uses in the area of impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when City water and sewer services become available. (Ord. 2796, 6-14-2004)

10-4-2.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
 - d. Agritourism activities located more than three hundred feet (300') from residentially zoned property or residential uses.
2. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
4. Residential:
 - a. Accessory buildings (less than 1,500 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - detached single household. (Ord. 2526, 5-20-1996; amd. Ord. 2773, 12-15-2003; Ord. 2018-007, 8-20-2018)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Zoos.
3. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
4. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
5. Public assembly:
 - a. Auditoriums.

- b. Religious facilities.
- c. Schools - public.
- d. Wedding chapel and/or reception hall with three (3) acres or more.

6. Residential:

- a. Detached accessory buildings (more than 1,500 square feet) i.e., garages and other accessory buildings.
- b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- c. Home occupations.
- d. Residential ZDA, not to exceed SUI density.
- e. Bed and breakfast facilities.

7. Services:

- a. In home daycare services.

8. Sports facilities:

- a. Golf courses and country clubs.
- b. Outdoor, public and commercial ice and roller skating facilities.
- c. Outdoor, public and commercial swimming pools.
- d. Outdoor, public and commercial tennis courts.

9. Transportation:

- a. Bus facilities, including pick up shelters.

10. Agricultural:

a. Agritourism activities located within three hundred feet (300') of any residentially zoned property or residential uses, or any agritourism activity involving outdoor amplified sound or music. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2796, 6-14-2004; Ord. 2850, 2-21-2006; Ord. 3082, 12-8-2014; Ord. 2018-008, 4-2-2018; Ord. 2018-007, 8-20-2018)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-2.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the SUI District:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling shall be one acre, or as set forth in the "Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems" as adopted by the South Central District Board of Health, whichever is larger. (Ord. 2796, 6-14-2004)

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights-of-way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

10-4-3: R1-VAR, RESIDENTIAL SINGLE HOUSEHOLD DISTRICT:

10-4-3.1: PURPOSE:

This district is intended to promote and preserve residential development and to provide a low density residential environment to allow the present and future residents to live and play in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. The principal land use is single household dwellings and uses incidental or accessory thereto. Centralized water and sewer facilities are required. (Ord. 2526, 5-20-1996)

10-4-3.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:

a. Underground and aboveground transmission lines.

b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Parks:

a. Open space.

b. Private parks and playgrounds without crowd attracting facilities.

c. Public parks and playgrounds without crowd attracting facilities.

3. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- c. Dwellings - detached single household. (Ord. 2526, 5-20-1996)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

- 1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
- 3. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
- 4. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
- 5. Public assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - public.
- 6. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - b. Home occupations.
 - c. Bed and breakfast facilities.
- 7. Services:
 - a. In home daycare services.
- 8. Sports facilities:
 - a. Golf courses and country clubs.
 - b. Outdoor, public and commercial ice and roller skating facilities.
 - c. Outdoor, public and commercial swimming pools.
 - d. Outdoor, public and commercial tennis courts.
- 9. Transportation:
 - a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-3.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R1-VAR district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each dwelling, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of

this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof. (Ord. 2526, 5-20-1996)

(B) Lot Area:

1. The minimum lot area per household dwelling shall be eight thousand (8,000) square feet for lots fronting on arterial streets as defined in subsection 10-7-6(A) of this title. (Ord. 2798, 8-2-2004)
2. All other lots within a proposed subdivision shall have a minimum lot area of at least eighty five percent (85%) of the average lot size of platted or developed lots within one hundred fifty feet (150') of said lots. Notwithstanding the foregoing, no lot shall be required to be larger than eighteen thousand five hundred (18,500) square feet except where contiguous to an SUI or AG zoning district, in which case no lot shall be required to be larger than twenty thousand (20,000) square feet. In no case shall the lot area be less than eight thousand (8,000) square feet nor shall a lot be required to be larger than the largest contiguous lot. (Ord. 2526, 5-20-1996; amd. Ord. 2796, 6-14-2004)
3. A permitted use that conforms to all provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than fifty percent (50%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)
 - a. The front building line shall not be closer than twenty feet (20') to the front property line.
 - b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
 - c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
 - d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than seven feet (7') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title.
- c. Architectural projections of main buildings and attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

- a. The rear building line shall not be closer than twenty five feet (25') to the rear property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.
- c. On a corner lot the rear yard setback may be reduced to the side yard setback. (Ord. 2620, 8-2-1999)

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code.

10-4-4: R2, RESIDENTIAL SINGLE HOUSEHOLD OR DUPLEX DISTRICT:

10-4-4.1: PURPOSE:

This district is intended to promote and preserve residential development and to provide a low density residential environment with a mix of both single household and duplex dwellings in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required. (Ord. 2526, 5-20-1996)

10-4-4.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications And Utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex. (Ord. 2526, 5-20-1996)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications And Utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
4. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
5. Public Assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - private academic.
 - d. Schools - public.
6. Residential:

- a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
- b. Home occupations.
- c. Bed and breakfast facilities.

7. Services:

- a. In home daycare services.

8. Sports Facilities:

- a. Golf courses and country clubs.
- b. Outdoor, public and commercial ice and roller skating facilities.
- c. Outdoor, public and commercial swimming pools.
- d. Outdoor, public and commercial tennis courts.

9. Transportation:

- a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-4.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R2 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area shall be six thousand (6,000) square feet for a single household dwelling and ten thousand (10,000) square feet for a duplex dwelling.
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than seven feet (7') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.
- c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

- a. The rear building line shall not be closer than twenty feet (20') to the rear property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.
- c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling unit shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply to the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-5: R4, RESIDENTIAL MEDIUM DENSITY DISTRICT:

10-4-5.1: PURPOSE:

This district is intended to promote and preserve medium density residential development and to provide a residential environment to allow the present and future residents to live and play in an area with space for personal privacy, minimum vehicular traffic, and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required. (Ord. 2526, 5-20-1996)

10-4-5.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex. (Ord. 2620, 8-2-1999)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications And Utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Libraries, museums and art galleries.
- d. Planetariums and aquariums.

3. Governmental Facilities:

- a. Fire stations and police stations.
- b. Water treatment plants.

4. Parks:

- a. Park concessions.
- b. Public parks and playgrounds with crowd attracting facilities.

5. Public Assembly:

- a. Auditoriums.
- b. Religious facilities.
- c. Schools - private academic.
- d. Schools - public.

6. Residential:

- a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
- b. Bed and breakfast facilities.
- c. Dwellings - triplex and fourplex.
- d. Home occupations.

7. Services:

- a. In home daycare services.

8. Sports Facilities:

- a. Golf courses and country clubs.
- b. Golf driving ranges.
- c. Outdoor, public and commercial ice and roller skating facilities.
- d. Outdoor, public and commercial swimming pools.
- e. Outdoor, public and commercial tennis courts.

9. Transportation:

- a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-5.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R4 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}$ ') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(G) Landscaping: All uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title. (Ord. 2620, 8-2-1999)

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-6: R6, RESIDENTIAL MULTI-HOUSEHOLD DISTRICT:

10-4-6.1: PURPOSE:

This district is intended to promote and preserve residential development and to provide a high density residential environment free from encroachment by major commercial and industrial activities with a proportional increase in amenities as density rises. Centralized water and sewer facilities are required. (Ord. 2526, 5-20-1996)

10-4-6.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be

erected, altered or enlarged only for the following uses:

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex.
 - e. Dwellings - multiple household (5 units or more).
 - f. Dwellings - triplex and fourplex. (Ord. 2526, 5-20-1996)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications And Utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Judicial facilities.
 - d. Water treatment plants.
4. Medical Facilities:
 - a. Ambulance service.
5. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
6. Public Assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - private academic.
 - d. Schools - public.
7. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.

- b. Bed and breakfast facilities.
- c. Home occupations.
- d. Nursing homes and rest homes.
- e. Residence halls, residence hotels, rooming houses.
- f. Shelter homes.

8. Services:

- a. In home daycare services.

9. Sports Facilities:

- a. Golf courses and country clubs.
- b. Outdoor, public and commercial ice and roller skating facilities.
- c. Outdoor, public and commercial swimming pools.
- d. Outdoor, public and commercial tennis courts.

10. Transportation:

- a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-6.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R6 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than five feet (5') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached

accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}$ ') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than fifteen feet (15') to the rear property line for residential uses and fifteen feet (15') for other uses.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.

c. On a corner lot, the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling unit shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-7: CB, COMMERCIAL CENTRAL BUSINESS DISTRICT:

10-4-7.1: PURPOSE:

This district is intended to provide for commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. (Ord. 2526, 5-20-1996)

10-4-7.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:

a. Radio and television stations without transmission and receiving towers.

b. Telegraph centers and telegraph stations.

c. Telephone exchange stations.

d. Underground and aboveground transmission lines.

e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Cultural facilities:

a. Botanical gardens and arboretums.

b. Historic sites and monuments.

c. Libraries, museums and art galleries.

d. Planetariums and aquariums.

3. Governmental Facilities:

a. Fire stations and police stations.

b. Governmental office buildings.

c. Judicial facilities.

4. Medical Facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Ambulance service.
 - c. Doctors' offices.
 - d. Drug and alcohol treatment centers.
 - e. Hospitals and clinics.
 - f. Rehabilitation services.
5. Parks:
 - a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
6. Public Assembly:
 - a. Auditoriums.
 - b. Funeral chapels.
 - c. Schools - private, single purpose.
 - d. Schools - private vocational and/or academic.
 - e. Schools - public.
 - f. Theaters - indoor.
 - g. Wedding chapels and/or reception halls.
7. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Bed and breakfast facilities.
 - c. Dwellings - multiple household (5 units or more).
 - d. Home occupations.
 - e. Household units existing at the time this title was adopted.
 - f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - g. Household units in upper floors of commercial or professional buildings.
 - h. Motels and transient hotels.
 - i. Nursing homes and rest homes.
 - j. Residence halls, residence hotels, rooming houses.
8. Retail Trade:
 - a. Alcoholic beverages when consumed on premises where sold.
 - b. Apparel and accessories.
 - c. Automobile parts store.
 - d. Bakery.
 - e. Bookstore.
 - f. Craft shop, in conjunction with retail business.
 - g. Eating places.
 - h. Farm and garden supplies.
 - i. Florist shop.

- j. Food, drugs, etc.
- k. General merchandise.
- l. Hardware store.
- m. Hobby and toy store.
- n. Home furnishings and equipment.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry cleaning.
- r. Laundromats.
- s. Music store.
- t. Pawnshop.
- u. Pet shop.
- v. Sporting goods store.
- w. Taxidermy studio.

9. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- f. Construction trade offices.
- g. Consumer credit collection offices.
- h. Copy center - self-service.
- i. Daycare services.
- j. Duplicating and stenographic offices.
- k. Employment agencies.
- l. Finance and investment offices.
- m. Horticultural services.
- n. In home daycare services.
- o. Insurance and related business.
- p. Labor unions and organizations.
- q. Photography studios.
- r. Professional organizations.
- s. Professional services.
- t. Real estate and related business.
- u. Tourist information center.

10. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Taxicab office.
- c. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2635, 11-15-1999; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural facilities:
 - a. Zoos.
3. Governmental facilities:
 - a. Jails, detention centers, work release centers.
 - b. Water treatment plants.
4. Manufacturing:
 - a. Handcrafted furniture.
5. Medical facilities:
 - a. Animal hospital - small animals.
 - b. Prosthetics - sales, service and construction.
6. Miscellaneous:
 - a. Any facility with drive-through service.
7. Parks:
 - a. Amusement parks.
 - b. Public parks and playgrounds with crowd attracting facilities.
8. Public assembly:
 - a. Exhibition halls.
 - b. Religious facilities.
 - c. Sports arena.
 - d. Theaters - outdoor.
9. Residential:
 - a. Dwellings - attached single household dwellings.
 - b. Dwellings - duplex.
 - c. Dwellings - triplex and fourplex.
 - d. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - e. Shelter homes.
10. Retail trade:
 - a. Agricultural equipment sales and service.
 - b. Automobile and truck sales and/or rentals.
 - c. Car wash facilities.
 - d. Commercial greenhouses.
 - e. Equipment rental.
 - f. Fuel sales (bulk).
 - g. Gasoline service stations.
 - h. Lumber, plumbing and/or electrical supply stores.
 - i. Manufactured/mobile home sales and/or rentals.
 - j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

k. Sporting vehicles and motorcycles - sales and/or rentals.

l. Storage unit rentals.

m. Tire shops.

11. Services:

a. Appliance repair.

b. Automobile and truck service and/or repair.

c. Civic, social and fraternal organizations.

d. Dog grooming and/or kennels.

e. Furniture repair/upholstery.

f. Publishing and printing business.

g. Sporting vehicle and motorcycle service and/or repair.

h. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.

i. Testing laboratories.

j. Welfare and charitable facilities.

12. Sports facilities:

a. Athletic areas.

b. Golf courses and country clubs.

c. Golf driving ranges.

d. Indoor recreation facility.

e. Miniature golf courses.

f. Outdoor, public and commercial ice and roller skating facilities.

g. Outdoor, public and commercial swimming pools.

h. Outdoor, public and commercial tennis courts.

13. Transportation:

a. Freight transfer points.

b. Open parking lot or garage for automobiles.

c. Open parking lot or garage for trucks and buses.

d. Packing and crating.

e. Trucking facilities.

14. Wholesale:

a. Wholesale distribution and warehousing, excluding H-1 facilities. (Ord. 2620, 8-2-1999; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2865, 6-12-2006; Ord. 3033, 6-25-2012)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-7.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the CB district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, off street parking and landscaping.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Use: No requirement.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to five percent (5%) of the total parking area.

2. Household buildings five (5) units or more shall provide landscaping equal to ten percent (10%) of the lot area. (Ord. 2620, 8-2-1999)

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.

2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.

3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-8: C1, COMMERCIAL HIGHWAY DISTRICT:

10-4-8.1: PURPOSE:

This district is intended to provide for commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. This district is designed for application on major streets or portions thereof. (Ord. 2526, 5-20-1996)

10-4-8.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:

a. Radio and television stations without transmission and receiving towers.

b. Telegraph centers and telegraph stations.

c. Telephone exchange stations.

d. Underground and aboveground transmission lines.

e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Cultural facilities:

a. Botanical gardens and arboretums.

b. Historic sites and monuments.

c. Libraries, museums and art galleries.

d. Planetariums and aquariums.

3. Governmental facilities:

- a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Judicial facilities.
4. Manufacturing:
- a. Business park ZDA only.
5. Medical Facilities:
- a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Ambulance service.
 - c. Doctors' offices.
 - d. Drug and alcohol treatment centers.
 - e. Hospitals and clinics.
 - f. Rehabilitation services.
6. Parks:
- a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
 - e. Public parks and playgrounds with crowd attracting facilities.
7. Public assembly:
- a. Auditoriums.
 - b. Funeral chapels.
 - c. Religious facilities.
 - d. Schools - private, single purpose.
 - e. Schools - private, vocational and/or academic.
 - f. Schools - public.
 - g. Theaters - indoor.
 - h. Wedding chapels and/or reception halls.
8. Residential:
- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Bed and breakfast facilities.
 - c. Dwellings - multiple household (5 units or more).
 - d. Home occupations.
 - e. Household units existing at the time this title was adopted.
 - f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - g. Household units in upper floor of commercial or professional buildings.
 - h. Nursing homes and rest homes.
 - i. Residence halls, residence hotels, rooming houses.
9. Retail trade:
- a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.
 - b. Apparel and accessories.
 - c. Automobile parts store.

- d. Bakery.
- e. Bookstore.
- f. Commercial greenhouses.
- g. Craft shop, in conjunction with retail business.
- h. Eating places.
- i. Farm and garden supplies.
- j. Florist shop.
- k. Food, drugs, etc.
- l. General merchandise.
- m. Hardware store.
- n. Hobby and toy store.
- o. Home furnishings and equipment.
- p. Ice cream store.
- q. Import store.
- r. Laundering and dry cleaning.
- s. Laundromats.
- t. Lumber, plumbing and/or electrical supply stores.
- u. Music store.
- v. Pawnshop.
- w. Pet shop.
- x. Sporting goods store.
- y. Taxidermy studio.
- z. Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.

10. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- f. Civic, social and fraternal organizations.
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Copy center - self-service.
- j. Daycare services.
- k. Dog grooming and/or kennels.
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices.
- o. Horticultural services.
- p. In home daycare services.
- q. Insurance and related business.

- r. Labor unions and organizations.
 - s. Photography studios.
 - t. Professional organizations.
 - u. Professional services.
 - v. Real estate and related business.
 - w. Tourist information center.
 - x. Welfare and charitable facilities.
11. Sports facilities:
- a. Athletic areas.
 - b. Miniature golf courses.
 - c. Outdoor, public and commercial ice and roller skating facilities.
 - d. Outdoor, public and commercial swimming pools.
 - e. Outdoor, public and commercial tennis courts.
12. Transportation:
- a. Bus facilities, including pick up shelters.
 - b. Open parking lot or garage for automobiles.
 - c. Taxicab office.
 - d. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2958, 12-22-2008; Ord. 2999, 1-24-2011; Ord. 3082, 12-8-2014)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

- 1. Communications and utilities:
 - a. Radio and television stations with wireless communications facilities.
 - b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') above ground.
- 2. Cultural facilities:
 - a. Cemeteries.
 - b. Zoos.
- 3. Government facilities:
 - a. Jails, detention centers, work release centers.
 - b. Water treatment plants.
 - c. Government open storage yard.
- 4. Manufacturing:
 - a. Handcrafted furniture.
- 5. Medical facilities:
 - a. Animal hospital - large animals.
 - b. Animal hospital - small animals.
 - c. Prosthetics - sales, service and/or construction.
- 6. Miscellaneous:
 - a. Any facility with drive-through service.
- 7. Parks:

- a. Amusement parks.
- 8. Public assembly:
 - a. Exhibition halls.
 - b. Fairgrounds.
 - c. Sports arena.
 - d. Theaters - outdoor.
- 9. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - b. Motels and transient hotels.
 - c. RV and camping parks.
 - d. Shelter homes.
- 10. Retail trade:
 - a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property.
 - b. Automobile and recreational vehicle rental/storage yard.
 - c. Automobile and truck sales and/or rentals.
 - d. Car wash facilities.
 - e. Equipment rental.
 - f. Fuel sales (bulk).
 - g. Gasoline service stations.
 - h. Large implement and heavy equipment sales and/or rentals.
 - i. Manufactured/mobile home sales and/or rentals.
 - j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 - k. Sporting vehicles and motorcycles - sales and/or rentals.
 - l. Storage unit rentals.
 - m. Tire shops.
- 11. Services:
 - a. Appliance repair.
 - b. Auctions and/or public sales.
 - c. Automobile and truck service and/or repair.
 - d. Furniture repair/upholstery.
 - e. Publishing and printing business.
 - f. Sporting vehicles and motorcycles - service and repair.
 - g. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.
 - h. Testing laboratories.
- 12. Sports facilities:
 - a. Go-cart tracks.
 - b. Golf courses and country clubs.
 - c. Golf driving ranges.
 - d. Indoor recreation facility.
 - e. Sport shooting range - indoor.
- 13. Transportation:

- a. Freight transfer points.
- b. Open parking lot or garage for trucks and buses.
- c. Packing and crating.
- d. Trucking facilities.

14. Wholesale:

- a. Wholesale distribution and warehousing, but excluding H-1 facilities.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996; amd. Ord. 2620, 8-2-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2999, 1-24-2011; Ord. 3088, 2-2-2015; Ord. 2021-010, 5-3-2021)

10-4-8.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

- 1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
- 2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

- 1. Commercial Uses: No requirement.
- 2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title.

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:

1. Commercial Uses And Residential Uses With Five Or More Units Per Building:

a. Front Yards: A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:

(1) A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

(2) Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission.

b. Side And Rear Yards: No property line setbacks are required on side yard or rear yards when adjacent to existing commercial uses, existing residential uses with five (5) or more units per building, vacant property that is zoned for nonresidential development, or vacant property that is designated on the future land use plan for nonresidential development. A property line setback of twenty five feet (25') shall be maintained on the side yard and rear yard for buildings adjacent to existing residential uses with four (4) or fewer units per building, vacant property that is zoned for residential development or vacant property that is designated on the future land use plan for residential development.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district. (Ord. 3077, 8-11-2014)

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

- 1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.
- 2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-9: M1, LIGHT MANUFACTURING DISTRICT:

10-4-9.1: PURPOSE:

This district is intended to provide for light nonpolluting and major traffic producing industries as well as commercial uses without residential encroachment. (Ord. 2526, 5-20-1996)

10-4-9.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
2. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Historic sites and monuments.
 - d. Libraries, museums and art galleries.
 - e. Planetariums and aquariums.
4. Governmental facilities:
 - a. City, county, highway district - shops.
 - b. Fire stations and police stations.
 - c. Governmental office buildings.
 - d. Judicial facilities.
 - e. Water treatment plants.
5. Medical facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Ambulance service.
 - c. Animal hospital - small animals.
 - d. Doctors' offices.

- e. Drug and alcohol treatment centers.
- f. Prosthetics - sales, service and/or construction.
- g. Rehabilitation services.

6. Parks:

- a. Open space.
- b. Park concessions.
- c. Private parks and playgrounds without crowd attracting facilities.
- d. Public parks and playgrounds without crowd attracting facilities.
- e. Public parks and playgrounds with crowd attracting facilities.

7. Public assembly:

- a. Auditoriums.
- b. Exhibition halls.
- c. Fairgrounds.
- d. Funeral chapels.
- e. Religious facilities.
- f. Schools - private, single purpose.
- g. Schools - private, vocational and/or academic.
- h. Sports arena.
- i. Wedding chapels and/or reception halls.

8. Residential:

- a. Home occupations.
- b. Household units existing at the time this title was adopted.
- c. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.

9. Retail trade:

- a. Apparel and accessories.
- b. Automobile and truck sales and/or rentals.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- f. Car wash facilities.
- g. Commercial greenhouses.
- h. Craft shop, in conjunction with retail business.
- i. Eating places.
- j. Equipment rental.
- k. Farm and garden supplies.
- l. Florist shop.
- m. Food, drugs, etc.
- n. Fuel sales (bulk).
- o. Gasoline service stations.
- p. General merchandise.
- q. Hardware store.

- r. Hobby and toy store.
 - s. Home furnishings and equipment.
 - t. Ice cream store.
 - u. Import store.
 - v. Large implement and heavy equipment sales and/or rentals.
 - w. Laundering and dry cleaning.
 - x. Laundromats.
 - y. Lumber, plumbing and/or electrical supply stores.
 - z. Music store.
 - aa. Pawnshop.
 - bb. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 - cc. Pet shop.
 - dd. Sporting goods store.
 - ee. Sporting vehicles and motorcycles - sales and/or rentals.
 - ff. Storage unit rentals.
 - gg. Taxidermy studio.
 - hh. Tire shops.
 - ii. Truck stop.
10. Services:
- a. Advertising.
 - b. Apparel repair and alteration.
 - c. Appliance repair.
 - d. Beauty and barbershops.
 - e. Building care contracting offices.
 - f. Business associations.
 - g. Civic, social and fraternal organizations.
 - h. Construction trade offices.
 - i. Consumer credit collection offices.
 - j. Copy center - self-service.
 - k. Dog grooming and/or kennels.
 - l. Duplicating and stenographic offices.
 - m. Employment agency.
 - n. Finance and investment offices.
 - o. Horticultural services.
 - p. Insurance and related business.
 - q. Labor unions and organizations.
 - r. Photography studios.
 - s. Professional organizations.
 - t. Professional services.
 - u. Publishing and printing business.
 - v. Real estate and related business.
 - w. Testing laboratories.

- x. Tourist information center.
- y. Welfare and charitable facilities.
- 11. Sports facilities:
 - a. Athletic areas.
 - b. Miniature golf courses.
 - c. Outdoor, public and commercial ice and roller skating facilities.
 - d. Outdoor, public and commercial swimming pools.
 - e. Outdoor public and commercial tennis courts.
- 12. Transportation:
 - a. Bus facilities, including pick up shelters.
 - b. Freight transfer points.
 - c. Open parking lot or garage for automobiles.
 - d. Open parking lot or garage for trucks and buses.
 - e. Open parking lot for trucks and equipment.
 - f. Packing and crating.
 - g. Taxicab office.
 - h. Ticket and arrangement facilities.
 - i. Trucking facilities.
- 13. Wholesale:
 - a. Wholesale distribution and warehousing, but excluding H-1 facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2999, 1-24-2011)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

- 1. Agricultural:
 - a. Farms - fish.
- 2. Agricultural processing:
 - a. Dairy product processing.
 - b. Fish, meat and poultry processing.
 - c. Grain and seed processing.
- 3. Communications and utilities:
 - a. Radio and television stations with wireless communications facilities.
 - b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 4. Cultural facilities:
 - a. Zoos.
- 5. Governmental facilities:
 - a. City, county, highway district - open storage yards.
 - b. Jails, detention centers, work release centers.
- 6. Manufacturing:
 - a. Apparel and related items.
 - b. Building materials.

- c. Concrete products.
 - d. Food products.
 - e. Furniture and fixtures.
 - f. Handcrafted furniture.
 - g. Metal products.
 - h. Miscellaneous products.
 - i. Paper products.
 - j. Petroleum products.
 - k. Plastic products.
 - l. Professional and scientific products.
 - m. Recycling center.
 - n. Rubber products.
 - o. Sand and gravel.
 - p. Textile products.
7. Medical facilities:
- a. Animal hospital - large animals.
 - b. Hospitals and clinics.
8. Miscellaneous:
- a. Any facility with drive-through service.
 - b. Construction yards.
9. Parks:
- a. Amusement parks.
10. Public assembly:
- a. Schools - public.
 - b. Theaters - indoor.
 - c. Theaters - outdoor.
11. Residential:
- a. Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.
 - b. RV and camping parks.
 - c. Residence halls, residence hotels, rooming houses.
 - d. Shelter homes.
12. Retail trade:
- a. Alcoholic beverages when consumed on premises where sold.
 - b. Automobile and recreational vehicle rental/storage yard.
 - c. Manufactured/mobile home sales and/or rentals.
13. Services:
- a. Auctions and/or public sales.
 - b. Automobile and truck service and/or repair.
 - c. Daycare services.
 - d. Furniture repair/upholstery.
 - e. In home daycare services.

- f. Sporting vehicle and motorcycle service and/or repair.
- g. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.

14. Sports facilities:

- a. Go-cart tracks.
- b. Golf courses and country clubs.
- c. Golf driving ranges.
- d. Indoor recreation facility.
- e. Sport shooting range - indoor.

15. Transportation:

- a. Railroad buildings, equipment and yards.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the distinction between them is of little consequence.. (Ord. 2526, 5-20-1996; amd. Ord. 2620, 8-2-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011; Ord. 2021-010, 5-3-2021)

10-4-9.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M1 district:

(A) Lot Area:

- 1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
- 2. Residential Uses: Residential uses not attached to a commercial building shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

- 1. Commercial uses: No requirement.
- 2. Residential uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial And Manufacturing Uses: No property line setbacks are required on side or rear yard. A setback of thirty five feet (35') on arterials and fifteen feet (15') on other streets is required. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

- 2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of street frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontage.

- 2. Household units not attached to nonresidential uses. No requirement.

(G) Off Street Parking:

- 1. Each commercial use shall comply with the provisions of chapter 10 of this title.
- 2. Residential uses shall provide two (2) off street parking spaces for each residential unit.
- 3. Residential units in nonresidential buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-10: M2, HEAVY MANUFACTURING DISTRICT:

10-4-10.1: PURPOSE:

This district is intended to provide industrial users ample room in the city to develop and expand without encroachment by noncompatible uses. (Ord. 2526, 5-20-1996)

10-4-10.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - fish.
 - c. Farms - plants and trees.
 - d. Intensive agricultural units of five (5) acres or more without residential facilities.
2. Agricultural processing:
 - a. Dairy product processing.
 - b. Fish, meat and poultry processing.
 - c. Grain and seed processing.
 - d. Livestock sales.
3. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
4. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Historic sites and monuments.
 - d. Libraries, museums and art galleries.
 - e. Planetariums and aquariums.
5. Governmental Facilities:
 - a. City, County, highway district - open storage yards.
 - b. City, County, highway district - shops.
 - c. Fire stations and police stations.
 - d. Governmental office buildings.
 - e. Jails, detention centers, work release centers.
 - f. Judicial facilities.
 - g. Water treatment plants.
6. Manufacturing:
 - a. Apparel and related items.

- b. Building materials.
 - c. Concrete products.
 - d. Food products.
 - e. Furniture and fixtures.
 - f. Handcrafted furniture.
 - g. Metal products.
 - h. Miscellaneous products.
 - i. Paper products.
 - j. Petroleum products.
 - k. Plastic products.
 - l. Professional and scientific products.
 - m. Rubber products.
 - n. Sand and gravel yards.
 - o. Textile products.
7. Medical Facilities:
- a. Acupuncture facilities approved by the South Central District Health Department or other State regulatory agency.
 - b. Ambulance service.
 - c. Animal hospital - large animals.
 - d. Animal hospital - small animals.
 - e. Doctors' offices.
 - f. Drug and alcohol treatment centers.
 - g. Prosthetics - sales, service and/or construction.
 - h. Rehabilitation services.
8. Parks:
- a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd-attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
 - e. Public parks and playgrounds with crowd attracting facilities.
9. Public Assembly:
- a. Auditoriums.
 - b. Exhibition halls.
 - c. Fairgrounds.
 - d. Funeral chapels.
 - e. Religious facilities.
 - f. Schools - private, single purpose.
 - g. Schools - private, vocational and/or academic.
 - h. Sports arena.
 - i. Wedding chapels and/or reception halls.
10. Residential:
- a. Home occupations.
 - b. Household units existing at the time this Title was adopted.

c. Household units in the same buildings as an allowed use and occupied by the owner or an employee of the allowed use.

11. Retail Trade:

- a. Apparel and accessories.
- b. Automobile and truck sales and/or rentals.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- f. Car wash facilities.
- g. Commercial greenhouses.
- h. Craft shop, in conjunction with retail business.
- i. Eating places.
- j. Equipment rental.
- k. Farm and garden supplies.
- l. Florist shop.
- m. Food, drugs, etc.
- n. Fuel sales (bulk).
- o. Gasoline service stations.
- p. General merchandise.
- q. Hardware store.
- r. Hobby and toy store.
- s. Home furnishings and equipment.
- t. Ice cream store.
- u. Import store.
- v. Large implement and heavy equipment sales and/or rentals.
- w. Laundering and dry-cleaning.
- x. Laundromats.
- y. Lumber, plumbing and/or electrical supply stores.
- z. Manufactured/mobile home sales and/or rentals.
- aa. Music store.
- bb. Pawnshop.
- cc. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- dd. Pet shop.
- ee. Sporting goods store.
- ff. Sporting vehicles and motorcycles - sales and/or rentals.
- gg. Storage unit rentals.
- hh. Taxidermy studio.
- ii. Tire shops.
- jj. Truck stop.

12. Services:

- a. Advertising.
- b. Apparel repair and alteration.

- c. Appliance repair.
 - d. Beauty and barber shops.
 - e. Building care contracting offices.
 - f. Business associations.
 - g. Civic, social and fraternal organizations.
 - h. Construction trade offices.
 - i. Construction yards.
 - j. Consumer credit collection offices.
 - k. Copy center - self-service.
 - l. Dog grooming and/or kennels.
 - m. Duplicating and stenographic offices.
 - n. Employment agency.
 - o. Finance and investment offices.
 - p. Furniture repair/upholstery.
 - q. Horticultural services.
 - r. Insurance and related business.
 - s. Labor unions and organizations.
 - t. Photography studios.
 - u. Professional organizations.
 - v. Professional services.
 - w. Publishing and printing business.
 - x. Real estate and related business.
 - y. Sporting vehicle and motorcycle service and/or repair.
 - z. Testing laboratories.
 - aa. Tourist information center.
 - bb. Welfare and charitable facilities.
13. Sports Facilities:
- a. Athletic areas.
 - b. Go-cart tracks.
 - c. Miniature golf courses.
 - d. Racetracks.
14. Transportation:
- a. Bus facilities, including pick up shelters.
 - b. Freight transfer points.
 - c. Open parking lot or garage for automobiles.
 - d. Open parking lot or garage for trucks and buses.
 - e. Open parking lot or garage for trucks and equipment.
 - f. Packing and crating.
 - g. Railroad buildings, equipment and yards.
 - h. Taxicab office.
 - i. Ticket and arrangement facilities.
 - j. Trucking facilities.

15. Wholesale:

- a. Wholesale distribution and warehousing, but excluding H-1 and H-7(2) facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2635, 10-12-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:

- a. Radio and television stations with wireless communications facilities.
- b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

- a. Zoos.

3. Governmental facilities:

- a. Sewage treatment plants.

4. Manufacturing:

- a. Chemicals and chemical products (H-1 and H-7(2)) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.
- b. Recycling centers.
- c. Wrecking yards, automobile salvage yards and junkyards, but prohibited within canyons, within two hundred feet (200') of canyon rims and on land with slopes greater than fifteen percent (15%) grade.

5. Medical facilities:

- a. Hospitals and clinics.

6. Miscellaneous:

- a. Any facility with drive-through service.

7. Parks:

- a. Amusement parks.

8. Public assembly:

- a. Schools - public.
- b. Theaters - indoor.
- c. Theaters - outdoor.

9. Residential:

- a. Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.

10. Retail trade:

- a. Alcoholic beverages when consumed on the premises where sold.
- b. Automobile and recreational vehicle rental/storage yard.

11. Services:

- a. Auctions and/or public sales.
- b. Daycare services.
- c. In home daycare services.
- d. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.
- e. Automobile and truck service and/or repair.
- f. Automobile impound facility.

12. Sports facilities:

- a. Golf courses and country clubs.
- b. Golf driving ranges.
- c. Gun clubs.
- d. Indoor recreation facility.
- e. Outdoor, public and commercial ice and roller skating facilities.
- f. Outdoor, public and commercial swimming pools.
- g. Outdoor public and commercial tennis courts.
- h. Sport shooting range - indoor.

13. Wholesale:

- a. H-1 and H-7(2) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996; amd. Ord. 2635, 11-15-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011; Ord. 2021-010, 5-3-2021)

10-4-10.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M2 district:

(A) Lot Area:

1. Nonresidential Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to an allowed use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required on side and rear yards. Setbacks on arterial frontages shall be thirty five feet (35') from property line and fifteen feet (15') on other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booths, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer part of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontages.
2. Household units not attached to nonresidential uses: No requirement.

(G) Off-Street Parking:

1. Each nonresidential use shall comply with the provisions of Chapter 10 of this Title.
2. Residential uses shall provide two (2) parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off-street parking space for each dwelling unit in the

building.

(H) Signs: See Chapter 9 of this Title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of Section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

(J) H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons. (Ord. 2526, 5-20-1996)

10-4-11: OS, OPEN SPACE DISTRICT:

10-4-11.1: PURPOSE:

This District is intended to protect canyon areas and to provide open space for passive and active recreation.

10-4-11.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and building and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:

- a. Farms - animals on pasture.
- b. Farms - plants and trees.
- c. Intensive agricultural units of five (5) acres or more without residential facilities.

2. Communications And Utilities:

- a. Underground and aboveground transmission lines.
- b. Utility-owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

3. Parks:

- a. Open space.
- b. Public parks and playgrounds without crowd attracting facilities.

4. Residential:

- a. Household units existing at the time this Title was adopted. (Ord. 2526, 5-20-1996)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses unless special provisions are taken. Special use permits may be granted for the following uses:

1. Agricultural:

- a. Farms - fish.

2. Communications And Utilities:

- a. Utility-owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- b. Transmission and receiving towers over thirty five feet (35') tall, provided that they are located near other tall structures.

3. Cultural Facilities:

- a. Botanical gardens and arboretums.
- b. Cemeteries.
- c. Historic sites and monuments.
- d. Zoos.

4. Governmental facilities:

- a. Sewage treatment plants.
- b. Water treatment plants.

5. Parks:

- a. Park concessions.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds with crowd attracting facilities.

6. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Accessory buildings (less than 1,000 square feet), i.e., garages and other accessory buildings except those physically attached garages that are built at the same time the home is built.
- c. Residential ZDA (not to exceed SUI density).

7. Services:

- a. Tourist information center.

8. Sports facilities:

- a. Athletic areas.
- b. Equestrian facilities and/or riding stables.
- c. Golf courses and country clubs.
- d. Golf driving ranges.
- e. Miniature golf courses.
- f. Outdoor, public and commercial ice and roller skating facilities.
- g. Outdoor, public and commercial swimming pools.
- h. Outdoor, public and commercial tennis courts.

i. Zip lines operated by outfitters and guides licensed by the Idaho outfitters and guides licensing board. (Ord. 2620, 8-2-1999; amd. Ord. 2796, 6-14-2004; Ord. 2997, 12-13-2010; Ord. 3082, 12-8-2014)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-11.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the OS district:

(A) Use Of Lots: Each building except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a lot shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

- 1. The minimum lot area per household dwelling shall be eight thousand (8,000) square feet if serviced by centralized sewer and forty three thousand (43,000) square feet if on septic tanks.
- 2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof, and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

- 3. Each nonresidential use shall have a minimum lot area established by the commission.

(C) Lot Occupancy:

- 1. No household dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.
- 2. Each nonresidential use shall have a minimum lot occupancy established by the commission.

(D) Building Height: No building shall exceed twenty feet (20') in height.

(E) Yards:

- 1. Household dwellings shall conform to the yard setbacks of the R1-VAR district.
- 2. Each nonresidential use shall have a yard established by the commission.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have the landscaping requirement established by the commission.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-12: AP, AIRPORT DISTRICT:

10-4-12.1: PURPOSE:

This district is intended to prevent the encroachment into air space required for flight safety and, in doing so, to also consider the safety of residential and other uses on the ground. Horizontal and vertical spacing is generally based on federal aviation agency recommendations. Electromagnetic restrictions are provided to prevent disorientation of electronic aviation aids. Light, glare and smoke requirements are intended to prevent visual loss of contact with ground, structures or other obstructions. (Ord. 2526, 5-20-1996)

10-4-12.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
2. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
4. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Water treatment plants.
5. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
6. Residential:
 - a. Accessory buildings (less than 1,500 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - detached single household.
 - c. Household units existing at the time this title was adopted.
7. Retail trade:
 - a. Alcoholic beverages when consumed on the premises where sold.

8. Transportation: Supplemental uses shall be allowed on Joslin Field, Magic Valley regional airport in conjunction with the use of the airport as recommended by the airport advisory commission and approved by the city council and county

commissioners. (Ord. 2526, 5-20-1996; amd. Ord. 2635, 11-15-1999; Ord. 2798, 8-2-2004; Ord. 2999, 1-24-2011)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Agricultural:
 - a. Farms - fish.
2. Cultural facilities:
 - a. Cemeteries.
3. Miscellaneous:
 - a. Any facility with drive-through service.
4. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
5. Public assembly:
 - a. Sports arena.
6. Residential:
 - a. Accessory buildings (more than 1,500 square feet), i.e., garages and other accessory buildings except those physically attached garages that are built at the same time the home is built.
 - b. Home occupations.
7. Sports facilities:
 - a. Athletic areas.
 - b. Golf courses and country clubs.
 - c. Golf driving ranges.
 - d. Gun clubs.
 - e. Racetracks.
8. Transportation: Airport and related facilities.
9. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground. (Ord. 2620, 8-2-1999; amd. Ord. 2635, 11-15-1999; Ord. 2798, 8-2-2004; Ord. 2999, 1-24-2011)

(C) Temporary Special Uses: (Rep. by Ord. 2798, 8-2-2004)

(D) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-12.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the AP district, except on Joslin Field, Magic Valley Regional Airport property, which development standards shall be as established by the airport advisory commission and approved by the city council and county commissioners: (Ord. 2635, 11-15-1999)

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling and per farm shall be twenty (20) acres.
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.
3. Each nonresidential and nonfarm use shall have a minimum lot area established by the commission.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height, except the commission may authorize additional height for structures as provided in federal aviation agency regulations part 77. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than thirty feet (30') to the front property line.
- b. Where lots have double frontage on two (2) streets, the required front yard of thirty feet (30') shall be provided on both streets.
- c. On a corner lot, the required front yard of thirty feet (30') shall be provided on both streets.
- d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than seven feet (7') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.
- c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the property line.

3. Rear Yard:

- a. The rear building line shall not be closer than thirty feet (30') to the rear property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.
- c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(G) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.
2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area. (Ord. 2550, 6-2-1997)

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

(K) Additional Restrictions:

1. Lighting:
 - a. Any pulsating, flashing, rotating, oscillating or other type of lighting intended as an attention getting device is prohibited.
 - b. Floodlights, spotlights or other lighting devices shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the grounds.
2. Glare:

a. Glare producing building materials shall not be allowed on any structure or any other use of the land.

3. Electromagnetic:

a. No use may be made of land which results in electromagnetic radiation which interferes with radio communications between aircraft or between aircraft and airport, or interferes with established radio navigation aids.

4. Smoke:

a. No use may be made of land which emits smoke, dust or any visible fumes or vapors into the atmosphere.

5. Avigation Easement:

a. An avigation easement shall be required from any property owner applying for a building permit. (Ord. 2526, 5-20-1996)

10-4-13: OT, OLD TOWN DISTRICT:

10-4-13.1: PURPOSE:

This district (located east of Shoshone Street South, north of the railroad tracks, west of Fourth Street South, and south of the alley between Second Avenue South and Third Avenue South in the city of Twin Falls) is intended to promote the redevelopment of this historic warehouse area and to provide for small retail shops, moderately sized commercial activities, and compatible light manufacturing and service industry businesses, with residential opportunity for persons wishing to work and live in a unified environment. It is intended that buildings in this area maintain the historic character of the existing buildings.

To encourage redevelopment of existing properties, the city planning administrator may waive strict conformance to the requirements for parking, landscaping, and/or surface water retention when such waiver would not be contrary to the public interest. (Ord. 2526, 5-20-1996)

10-4-13.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications And Utilities:

- a. Radio and television stations without transmission and receiving towers.
- b. Telegraph centers and telegraph stations.
- c. Telephone exchange stations.
- d. Underground and aboveground transmission lines.
- e. Utility-owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Cultural Facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Libraries, museums and art galleries.
- d. Planetariums and aquariums.

3. Governmental Facilities:

- a. Governmental office buildings.

4. Medical Facilities:

- a. Acupuncture facilities approved by the South Central District Health Department or other state regulatory agency.
- b. Doctors' offices.
- c. Drug and alcohol treatment centers.
- d. Hospitals and clinics.
- e. Prosthetics - sales, service and construction.
- f. Rehabilitation services.
- g. Ambulance service.

5. Parks:

- a. Open space.

- b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
6. Public Assembly:
- a. Auditoriums.
 - b. Exhibition halls.
 - c. Funeral chapels.
 - d. Schools - private, single purpose.
 - e. Schools - private, vocational and/or academic.
 - f. Schools - public.
 - g. Theaters - indoor.
 - h. Wedding chapels and/or reception halls.
7. Residential:
- a. Bed and breakfast facilities.
 - b. Household units in same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - c. Household units in upper floors of commercial or professional buildings.
8. Retail Trade:
- a. Apparel and accessories.
 - b. Automobile parts store.
 - c. Bakery.
 - d. Bookstore.
 - e. Craft shop, in conjunction with retail business.
 - f. Eating places.
 - g. Farm and garden supplies.
 - h. Florist shop.
 - i. Food, drugs, etc.
 - j. General merchandise.
 - k. Hardware store.
 - l. Hobby and toy store.
 - m. Home furnishings and equipment.
 - n. Ice cream store.
 - o. Import store.
 - p. Laundering and dry-cleaning.
 - q. Laundromats.
 - r. Music store.
 - s. Pawnshop.
 - t. Pet shop.
 - u. Sporting goods store.
 - v. Taxidermy studio.
9. Services:
- a. Advertising.

- b. Apparel repair and alteration.
 - c. Appliance repair.
 - d. Beauty and barbershops.
 - e. Building care contracting office.
 - f. Business associations.
 - g. Civic, social and fraternal organizations.
 - h. Construction trade offices.
 - i. Consumer credit collection offices.
 - j. Copy center - self-service.
 - k. Daycare services.
 - l. Duplicating and stenographic offices.
 - m. Employment agency.
 - n. Finance and investment offices.
 - o. Horticultural services.
 - p. In-home daycare services.
 - q. Insurance and related business.
 - r. Labor unions and organizations.
 - s. Photography studios.
 - t. Professional organizations.
 - u. Professional services.
 - v. Publishing and printing business.
 - w. Real estate and related business.
 - x. Testing laboratory.
 - y. Tourist information center.
 - z. Welfare and charitable facilities.
10. Transportation:
- a. Bus facilities, including pick up shelters.
 - b. Open parking lot or garage for automobiles.
 - c. Taxicab office.
 - d. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

- 1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 2. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
- 3. Manufacturing:
 - a. Apparel and related items.
 - b. Furniture and fixtures.

- c. Handcrafted furniture.
 - d. Miscellaneous products.
 - e. Paper products.
 - f. Plastic products.
 - g. Professional and scientific products.
 - h. Rubber products.
 - i. Textile products.
4. Medical facilities:
- a. Animal hospital - small animal.
5. Miscellaneous:
- a. Any facility with drive-through service.
6. Public assembly:
- a. Exposition and recreational vehicle shows.
 - b. Farmers' markets, flea markets.
 - c. Religious facilities.
 - d. Sports arena.
 - e. Theater, outdoor.
7. Residential:
- a. Dwellings - attached single household dwellings.
 - b. Dwellings - duplex.
 - c. Dwellings - triplex and fourplex.
 - d. Dwellings - multiple household (5 units or more).
 - e. Motels and transient hotels.
 - f. Nursing homes and rest homes.
 - g. Residence halls, residence hotels, rooming houses.
 - h. Shelter homes.
8. Retail trade:
- a. Alcoholic beverages when consumed on the premises where sold.
 - b. Equipment rental.
 - c. Lumber, plumbing and/or electrical supply stores.
 - d. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 - e. Sporting vehicles and motorcycles - sales and/or rentals.
 - f. Storage unit rentals.
9. Services:
- a. Auction and/or public sales.
 - b. Automobile and truck service and/or repair.
 - c. Sporting vehicle and motorcycle service and/or repair.
10. Sports facilities:
- a. Athletic areas.
 - b. Indoor recreation facility.
 - c. Miniature golf course.
 - d. Outdoor, public and commercial ice and roller skating facilities.

- e. Outdoor, public and commercial swimming pools.
 - f. Outdoor, public and commercial tennis courts.
11. Transportation:
- a. Freight transfer points.
 - b. Open parking lot or garage for trucks and buses.
 - c. Packing and crating.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. Also prohibited is the storage of manufacturing materials and/or supplies outside an enclosed structure. (Ord. 2526, 5-20-1996; amd. Ord. 2620, 8-2-1999; Ord. 3033, 6-25-2012; Ord. 2016-5, 3-7-2016; Ord. 2023-005, 3-11-2024)

10-4-13.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the OT district:

(A) Lot Area: The lot shall be of sufficient size to provide for the building, off street parking, landscaping, and surface water retention.

(B) Lot Occupancy: No requirement. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided in section 10-7-3 of this title. (Ord. 3077, 8-11-2014)

(D) Yards: No requirement.

(E) Access: All lots shall have vehicular access on a dedicated improved public street unless a secondary means of permanent access has been provided.

(F) Landscaping:

1. Public Rights Of Way:

a. Landscaping and lighting shall be provided which meet the requirements of the old town master landscaping plan.

2. Public And Private Parking Lots:

a. Ten percent (10%) of the total parking area shall be landscaped.

b. At least eighty percent (80%) of the trees and shrubs planted in the parking lots shall be from the master list of approved species as stated in the old town master landscaping plan.

c. A thirty inch (30") high masonry wall, hedge or shrub planting shall be provided between the parking lot and a public sidewalk. Such wall, hedge or shrub planting shall be continuous except for pedestrian or vehicle access.

d. Fifty percent (50%) of all shrubs and twenty five percent (25%) of all trees shall be evergreen.

e. Planted dividers at least six feet (6') wide shall be provided between parking rows. Such dividers shall be planted with shade trees at least eight feet (8') in height when planted.

f. One shade tree shall be provided within planted dividers, islands within parking lots, or along the parking lot periphery for every ten (10) parking spaces.

g. Dumpster areas, loading sites and other unsightly areas shall be screened with landscaped plantings, or wooden or masonry sight obscuring fencing.

h. Parking lots shall be illuminated with lighting fixtures installed at the rate of one per every eighteen (18) cars. Such lighting shall be in conformance with the old town master landscaping plan.

(G) Off Street Parking:

1. Household units shall have a minimum of one off street, on site, parking space per unit.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title and the P3 parking overlay. (Ord. 2526, 5-20-1996)

(H) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code.

(Ord. 2550, 6-2-1997)

10-4-14: CM, COMMERCIAL MIXED USE DISTRICT:

10-4-14.1: PURPOSE:

This district is intended to provide for a mixture of commercial, professional and residential uses in a unified environment planned and approved through the ZDA process. (Ord. 3082, 12-8-2014)

10-4-14.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') above ground.
2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Judicial facilities.
4. Medical facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Doctors' offices.
 - c. Hospitals and clinics.
 - d. Rehabilitation services.
5. Parks:
 - a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
6. Public assembly:
 - a. Auditoriums.
 - b. Funeral chapels.
 - c. Religious facilities.
 - d. Schools - private, single purpose.
 - e. Schools - private, vocational and/or academic.
 - f. Schools - public.
 - g. Theaters - indoor.
 - h. Wedding chapels and/or reception halls.
7. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Bed and breakfast facilities.
 - c. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.

- d. Dwellings - duplex.
- e. Dwellings - multiple household (5 units or more).
- f. Dwellings - triplex and fourplex.
- g. Home occupations.
- h. Household units in same building as an allowed use and occupied by the owner or an employee of the allowed use.
- i. Household units in the upper floors of commercial or professional buildings.
- j. Nursing homes and rest homes.
- k. Residence halls, residence hotels, rooming houses.

8. Retail Trade:

- a. Apparel and accessories.
- b. Automobile parts store.
- c. Bakery.
- d. Bookstore.
- e. Commercial greenhouses.
- f. Craft shop, in conjunction with retail business.
- g. Eating places.
- h. Farm and garden supplies.
- i. Florist shop.
- j. Food, drugs, etc.
- k. General merchandise.
- l. Hardware store.
- m. Hobby and toy store.
- n. Home furnishings and equipment.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry-cleaning.
- r. Laundromats.
- s. Music store.
- t. Pawnshop.
- u. Pet shop.
- v. Sporting goods store.
- w. Taxidermy studio.

9. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Appliance repair.
- d. Beauty and barbershops.
- e. Building care contracting offices.
- f. Business associations.
- g. Construction trade offices.
- h. Consumer credit collection offices.

- i. Copy center - self-service.
- j. Daycare services.
- k. Duplicating and stenographic offices.
- l. Employment agency.
- m. Finance and investment offices.
- n. Horticultural services.
- o. In-home daycare services.
- p. Insurance and related business.
- q. Labor unions and organizations.
- r. Photography studios.
- s. Professional organizations.
- t. Professional services.
- u. Real estate and related business.
- v. Tourist information center.

10. Transportation:

- a. Bus facilities, including pickup shelters.
- b. Taxicab office.
- c. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications And Utilities:

- a. Utility-owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural Facilities:

- a. Cemeteries.
- b. Zoos.

3. Governmental Facilities:

- a. Water treatment plants.

4. Medical Facilities:

- a. Animal hospital - small animal.
- b. Drug and alcohol treatment centers.
- c. Prosthetics - sales, service and/or construction.

5. Miscellaneous:

- a. Any facility with drive-through service.

6. Parks:

- a. Public parks and playgrounds with crowd attracting facilities.

7. Public Assembly:

- a. Exhibition halls.
- b. Fairgrounds.
- c. Sports arena.
- d. Theaters - outdoor.

8. Residential:

a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garaged built at the same time the home is built.

b. Motels and transient hotels.

c. RV and camping parks.

d. Shelter homes.

9. Retail Trade:

a. Alcoholic beverages, when consumed on the premises where sold.

b. Automobile and truck sales and/or rentals.

c. Car wash facilities.

d. Equipment rental.

e. Fuel sales (bulk).

f. Gasoline service stations.

g. Lumber, plumbing and/or electrical supply stores.

h. Manufactured/mobile home sales and/or rentals.

i. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

j. Sporting vehicles and motorcycles - sales and/or rentals.

k. Storage unit rentals.

l. Tire shops.

10. Services:

a. Civic, social and fraternal organizations.

b. Dog grooming and/or kennels.

c. Publishing and printing business.

d. Welfare and charitable facilities.

11. Sports Facilities:

a. Athletic areas.

b. Golf courses and country clubs.

c. Golf driving ranges.

d. Indoor recreation facility.

e. Miniature golf courses.

f. Outdoor, public and commercial ice and rollerskating facilities.

g. Outdoor, public and commercial swimming pools.

h. Outdoor, public and commercial tennis courts.

12. Transportation:

a. Freight transfer points.

b. Open parking lot or garage for automobiles.

c. Open parking lot or garage for trucks and buses.

d. Packing and crating.

e. Trucking facilities.

13. Wholesale Facilities:

a. Wholesale distribution and warehousing, but excluding H-1 facilities. (Ord. 2620, 8-2-1999)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this Title is made that the use is similar enough to a use listed above that distinction between them

is of little consequence.

10-4-14.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. (Ord. 2526, 5-20-1996)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district or as determined by the ZDA process. (Ord. 3082, 12-8-2014)

(B) Lot Occupancy:

1. Commercial Uses: No requirement.

2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed thirty five feet (35') in height except as provided by section 10-7-3 of this title.

(D) Yards:

1. Commercial Uses And Residential Uses With Five Or More Units Per Building: No property line setbacks are required on side yard or rear yard. A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. (Ord. 2526, 5-20-1996)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district or as determined through the ZDA process. (Ord. 3082, 12-8-2014)

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater or as determined by the ZDA process. (Ord. 3082, 12-8-2014)

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.

2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.

3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-15: RM, RESIDENTIAL MIXED USE DISTRICT:

10-4-15.1: PURPOSE:

This district is intended to provide for a mixture of residential housing types in a unified environment planned and approved through the ZDA process. (Ord. 3082, 12-8-2014)

10-4-15.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:

a. Underground and aboveground transmission lines.

b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') above ground.

2. Parks:

- a. Open space.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds without crowd attracting facilities.

3. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- c. Dwellings - detached single household.
- d. Dwellings - duplex.
- e. Dwellings - multiple household (5 units or more).
- f. Dwellings - triplex and fourplex. (Ord. 2526, 5-20-1996)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:

a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Libraries, museums and art galleries.
- d. Planetariums and aquariums.
- e. Zoos.

3. Governmental facilities:

- a. Fire stations and police stations.
- b. Water treatment plants.

4. Parks:

- a. Park concessions.
- b. Public parks and playgrounds with crowd attracting facilities.

5. Public assembly:

- a. Auditoriums.
- b. Religious facilities.
- c. Schools - public.

6. Residential:

a. Accessory buildings (more than 1,000 square feet), i.e., garages and other accessory buildings except those built at the same time the home is built.

- b. Bed and breakfast facilities.
- c. Home occupations.
- d. Nursing homes and rest homes.
- e. Residence halls, residence hotels, rooming houses.

7. Services:

- a. In home daycare services.

8. Sports facilities:

- a. Golf courses and country clubs.

- b. Golf driving ranges.
- c. Miniature golf courses.
- d. Outdoor, public and commercial ice and roller skating facilities.
- e. Outdoor, public and commercial swimming pools.
- f. Outdoor, public and commercial tennis courts. (Ord. 2620, 8-2-1999)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-15.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the RM district:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}'$) to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-16: CSI, COLLEGE OF SOUTHERN IDAHO DISTRICT:

10-4-16.1: PURPOSE:

This district is intended to promote development which will serve or complement the College Of Southern Idaho while allowing for a mixture of land uses in a unified environment planned and approved through the ZDA process. (Ord. 3082, 12-8-2014)

10-4-16.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') above ground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex.
 - e. Dwellings - multiple household (5 units or more).
 - f. Dwellings - triplex and fourplex.
 - g. Household units in upper floors of commercial or professional buildings. (Ord. 2526, 5-20-1996)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') above ground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
 - e. Zoos.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.

4. Medical Facilities:

- a. Doctors' offices.
- b. Drug and alcohol treatment centers.
- c. Hospitals and clinics.
- d. Rehabilitation services.

5. Miscellaneous:

- a. Any facility with drive-through service.

6. Parks:

- a. Park concessions.
- b. Public parks and playgrounds with crowd attracting facilities.

7. Public Assembly:

- a. Auditoriums.
- b. Religious facilities.
- c. Schools - private, vocational and/or academic.
- d. Schools - public.

8. Residential:

- a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages that are built at the time the home is built.
- b. Bed and breakfast facilities.
- c. Home occupations.
- d. Nursing homes and rest homes.
- e. Residence halls, residence hotels, rooming houses.

9. Services:

- a. Daycare services.
- b. Finance and investment offices.
- c. In-home daycare services.
- d. Insurance and related business.
- e. Professional services.
- f. Real estate and related business.

10. Sports Facilities:

- a. Athletic areas.
- b. Golf courses and country clubs.
- c. Golf driving ranges.
- d. Miniature golf courses.
- e. Outdoor, public and commercial ice and rollerskating facilities.
- f. Outdoor, public and commercial swimming pools.
- g. Outdoor, public and commercial tennis courts. (Ord. 2620, 8-2-1999)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-16.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the CSI district: (Ord. 2526, 5-20-1996)

(A) Use Of Lots: As provided for in the ZDA development plan. (Ord. 3082, 12-8-2014)

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}$ ') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-17: MHO-1, MOBILE HOME OVERLAY DISTRICT-ONE:

10-4-17.1: PURPOSE:

This overlay district is intended to provide housing alternatives of both conventional homes and manufactured homes in a low density environment with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required. This district may overlay an existing developed R4 or R6 district. (Ord. 2526, 5-20-1996)

10-4-17.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be

erected, altered or enlarged only for the following uses:

1. Any use permitted in the basic district upon which the overlay is placed.
2. Manufactured homes which meet the following standards:
 - a. Must be at least twelve feet (12') wide.
 - b. Must not be less than seven hundred (700) square feet.
 - c. Permanent foundations must be provided that meet or exceed current Idaho manufactured home standards, as adopted by the state of Idaho division of building safety, manufactured housing section or have been rehabilitated pursuant to chapter 25, title 44 of the Idaho Code.
 - d. Must be built to HUD manufactured home specifications.
 - e. Modifications shall conform to the uniform building code as adopted by the city. (Ord. 2526, 5-20-1996; amd. Ord. 2741, 11-4-2002)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Any use permitted by special use permit in the basic district upon which the overlay is placed.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-17.3: DISTRICT SIZE:

The minimum overlay district shall be ten (10) acres. (Ord. 2526, 5-20-1996)

10-4-17.4: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in mobile home overlay district one:

The property development standards shall be the same as those of the basic district upon which the overlay is placed. (Ord. 2526, 5-20-1996)

10-4-18: PRO, PROFESSIONAL OFFICE OVERLAY DISTRICT:

10-4-18.1: PURPOSE:

This overlay district is intended to provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses and in areas that are near large public or private medical facilities. Centralized water and sewer facilities are required. This overlay may be placed on an R2, R4 or R6 district. (Ord. 2657, 6-19-2000)

10-4-18.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use permitted in the basic district upon which the overlay is placed.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Basic district uses: Any use allowed by special use permit in the basic district upon which the overlay is placed.
2. Medical facilities:
 - a. Doctors' offices.
3. Residential:
 - a. Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
4. Services:
 - a. Beauty salons/barbershops.
 - b. Consumer credit collection.
 - c. Employment agency.
 - d. Finance and investment offices.
 - e. Insurance and related business.
 - f. Professional services.

- g. Photography studios.
- h. Real estate and related business.
- i. Commercial daycare facilities and preschools.

5. Additional land uses: The following additional land uses may be allowed by special use permit in the following historic areas of the city: Addison Avenue and Blue Lakes Boulevard:

a. Residential:

- (1) Bed and breakfast facilities.
- (2) Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
- (3) Household units in upper floors of commercial or professional buildings.

b. Retail trade:

- (1) Bookstore.
- (2) Cottage businesses.
- (3) Craft shop.
- (4) Florist shop.
- (5) Hobby and toy store.
- (6) Art galleries and frame shops.
- (7) Antique shop.
- (8) Fabric and pattern shop.
- (9) Home decor, excluding appliances.

c. Services:

- (1) Photography studios.
- (2) Seamstress.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2943, 6-16-2008)

10-4-18.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the professional office overlay district:

(A) Lot Area:

- 1. The minimum lot size as required by the basic district upon which the overlay is placed.
- 2. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping.

(B) Lot Occupancy:

- 1. Same as that of the basic district upon which the overlay is placed.
- 2. For professional offices, there is no occupancy requirement.

(C) Building Height: No building shall exceed thirty five feet (35') in height.

(D) Yards:

1. Front yards:

- a. Same as that of the basic district upon which the overlay is placed.

2. Side yards:

- a. Same as that of the basic district upon which the overlay is placed.

3. Rear yards:

- a. Same as that of the basic district upon which the overlay is placed.
- b. For professional offices, the rear yard may be reduced to the side yard setback of the basic district.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping:

1. Residential uses: Same as that of the basic district upon which the overlay is placed.
2. Professional uses: Professional offices shall provide landscaping equal to ten percent (10%) of the total lot area.

(G) Off Street Parking:

1. Same as that of the basic district upon which the overlay is placed.
2. Each professional office shall provide one parking space per three hundred (300) square feet of total building area measured from the exterior of the building, or as required by subsection 10-10-3(A) of this title. (Ord. 2657, 6-19-2000)

(H) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(I) Walls, Fences And Hedges:

1. Same as that of the basic district upon which the overlay is placed.
2. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.

(J) Additional Standards: The following additional property development standards shall apply to Addison Avenue and Blue Lakes Boulevard:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform with the general residential nature of the neighborhood, consistent with the existing architectural style and design.
2. Parking: All off street parking shall be placed on the alley side of the lots so that the portion of the property that fronts the side streets and arterial streets shall continue to have lawn and landscaping consistent with surrounding properties as opposed to asphalt, rock or pavement. Also, any use that has a parking requirement, as determined by section 10-10-6 of this title, in excess of fifteen (15) spaces is prohibited.
3. Landscaping: Twenty five percent (25%) of each property shall be maintained in landscaping.
4. Driveway Access: No driveway will open onto the side street for access or ingress to the properties containing the professional offices or commercial uses, nor can any additional curb cuts be made on the side street curbs. However, if there presently exists a driveway that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places. (Ord. 2657, 6-19-2000)

10-4-19: CRO, CANYON RIMS OVERLAY DISTRICT:

10-4-19.1: PURPOSES:

The purposes of the canyon rims overlay district are as follows:

- (A) To protect the public and private property owners from the natural hazards of rock fall and slope failure along the Snake River Canyon and Rock Creek Canyon.
- (B) To protect views and create a unique visual environment along the canyon rims.
- (C) To preserve and improve the aesthetic appearance of the canyon rims for the enhancement of the quality of life in the community.
- (D) To provide development standards that enhance the value of canyon rim areas to the developer and the community. (Ord. 2022-017, 9-12-2022)

10-4-19.2: LOCATION:

The canyon rims overlay district shall include all of that area within the city and its area of impact located within two hundred feet (200') of the Rock Creek Canyon rim and within seven hundred feet (700') of the Snake River Canyon rim which carries a residential or C-I zoning designation. (Ord. 2526, 5-20-1996; Ord. 2022-017, 9-12-2022)

10-4-19.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the canyon rims overlay district:

- (A) Lot Area: Same as the basic zoning district upon which the overlay is placed.
- (B) Lot Occupancy: Same as the basic zoning district upon which the overlay is placed.
- (C) Building Height:
 1. Within the CI Zoning District: No building shall exceed maximum building height of Twenty-five feet (25') in height measured at fifty linear feet (50') from the canyon rim and rising evenly to thirty-five feet (35') in height measured at one hundred linear feet (100') from the canyon rim, and thereafter rising evenly to fifty feet (50') in height measured at one hundred fifty linear feet (150') from the canyon rim.
 2. All other applicable Districts: No building shall exceed maximum building height of Twenty-five feet (25') in height

measured at fifty linear feet (50') from the canyon rim and rising evenly to thirty-five feet (35') in height measured at one hundred linear feet (100') from the canyon rim.

3. All heights are to be measured from the existing canyon rim elevation, or the existing ground level elevation at the building site, whichever elevation is greater.

4. Additional Height: Additional height may be requested for those areas beyond the fifty-foot (50') Canyon Rim Setback. See Additional Building Height Process City Code 10-7-3.

(D) Building Setbacks:

1. Yards: Same as that of the basic zoning district upon which the overlay is placed.

2. Geological Report: The minimum canyon rim setback in the CRO district shall be one hundred feet (100') without a geological report meeting the following requirements:

a. The name, address, and telephone number of the responsible Idaho licensed geological engineer;

b. The qualifications of the Idaho licensed geological engineer, including a list of similar studies and references;

c. A certificate of professional liability insurance for the individual or firm preparing the report;

d. A location map, showing the relation of the site studied to the surrounding area, including the topography and drainage pattern of that area, and the location of any off site observations (wells, soil observation pits, etc.) used in preparing the findings of the report;

e. A parcel map, showing the parcel boundaries, the proposed canyon rim setback, building envelope, or building location, the proposed location of any on site sewage disposal facilities, any watercourses or drainageways across or adjacent to the parcel, and the location of any soil observation pits, wells, or other observations used in preparing the findings of the report;

f. A description of the geologic setting of the parcel;

g. A description of the methods used to arrive at the findings, including the sampling procedure used to determine the sites used for observations; and

h. A clear statement that buildings behind the proposed canyon rim setback, within the proposed envelope, or at the proposed building location are not subject to significant hazard from slope movements and that construction on the site will not present a significant hazard to people or properties.

i. The findings shall be qualified, as necessary, with recommendations for site stabilization, drainage, and building construction techniques or specifications that will minimize any potential hazard.

j. The information used as a basis for the findings may be integrated with the findings or presented separately.

3. Canyon Rim Setback: The minimum canyon rim setback in the CRO district with a geological report meeting the requirements set forth above shall be either the minimum setback recommended in the geological report or the minimum setback set out below, whichever is greater:

a. Rock Creek Canyon: Fifty feet (50').

b. Snake River Canyon from Rock Creek Canyon to the centerline of 3300 East, extended: Fifty feet (50').

c. Snake River Canyon east of the centerline of 3300 East, extended: One hundred feet (100').

(E) Landscaping: Overall, twenty percent (20%) of the total area included in any commercial or mixed-use development in the canyon rims overlay district shall be devoted to landscaped open space. That space shall meet the requirements of section of this title and shall include the following elements:

1. Street Buffers: Commercial uses shall provide a minimum thirty foot (30') landscaped buffer along arterial and collector streets. Residential uses shall provide a minimum fifty foot (50') landscaped buffer along arterial streets.

2. Use Buffers: There shall be a minimum fifty foot (50') landscaped buffer between residential and commercial elements of a mixed-use canyon rims overlay district development.

3. Use Of Buffers: Roads and utilities may cross landscaped buffers, sidewalks and trails may run-through them, and permitted freestanding signs and minor utility installations may be based in them.

4. Parking Areas: Parking areas including twenty-four (24) or more spaces shall be broken into separate bays by landscaped areas and pedestrian walks that comprise at least ten percent (10%) of the area devoted to parking.

5. Canyon Rim Setback Area: The canyon rim setback area may be included as part of the twenty percent (20%) landscaping requirement if the area is landscaped to meet the minimum requirements of subsection (A) of this title or if planted with native vegetation.

(F) Signs: See the sign code in of this title.

(G) Additional Development Standards:

1. Form: Buildings that have a footprint of more than three thousand (3,000) square feet shall be designed to reduce their apparent mass using one or more of the following techniques:

a. Varying Height: Buildings may be "stepped back" in height from the setback line to reduce their apparent mass and visual competition with the canyon wall.

b. Varying Setback: The building line facing the canyon rim may be varied (i.e., different portions of the building would be different distances from the setback line).

c. Landscaping: Mass plantings and earthworks can be designed and sited to effectively break the apparent mass of a building.

2. Outdoor Sales And Storage: There shall be no outdoor sales or display areas in the canyon rims overlay district. All outdoor storage, including solid waste containers, shall be fully screened from public view by some combination of location on the site, fences or walls, and landscaped buffers. (Ord. 2526, 5-20-1996; Ord. 2851, 3-6-2006; Ord. 3005, 6-6-2011; Ord. 3082, 12-8-2014; Ord. 2022-017, 9-12-2022)

10-4-20: WPO, WELLHEAD PROTECTION OVERLAY DISTRICT:

10-4-20.1: SHORT TITLE AND PURPOSE:

(A) This section shall be known as the *WELLHEAD PROTECTION PLAN*.

(B) It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are to:

1. Protect human life and health;
2. Ensure that the public is provided with a sustainable, safe potable water supply;
3. Minimize expenditure of public money for pollution remediation projects;
4. Minimize regulations on land use; and
5. Minimize business interruptions. (Ord. 2526, 5-20-1996)

10-4-20.2: DEFINITIONS:

When used in this section the following words and phrases shall have the meanings given in this section:

AGRICULTURAL RUNOFF WASTEWATER: Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation.

COMMUNITY WATER SYSTEM: A public system which serves at least fifteen (15) service connections used by year round residents or regularly serves at least twenty five (25) year round residents.

COMMUNITY WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

FACILITY: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in part 40 chapter 260.1 of the code of federal regulations.

HAZARDOUS WASTE OR MATERIAL: Any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or,

(C) Any material or substance designated as a hazardous or toxic substance defined by part 40 chapter 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATION: As defined in the County Zoning Ordinance.

NONCOMMUNITY WATER SYSTEM: A public water system that is not a community water system.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. Such term includes: 1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and 2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system" as defined herein.

SANITARY LANDFILL: A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to

the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.

STORM WATER RUNOFF: Water discharged as a result of rain, snow, or other precipitation.

TIME OF TRAVEL DISTRICTS (TOT): The time required for a contaminant to move in the ground from a specific point to a well.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three (3) criteria:

- (A) It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and,
- (B) It is deeper than its largest straight-line surface dimension; and,
- (C) It is used for or intended to be used for injection.

WELLHEAD PROTECTION OVERLAY DISTRICT (WHO): A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:

- (A) Calculated fixed radius; or,
- (B) Arbitrary fixed radius; or,
- (C) Simplified variable shapes; or,
- (D) Semi-analytical, and analytical methods; or,
- (E) Hydrogeologic mapping; or,
- (F) Numerical modeling;

and follow the guidelines established in the Idaho Wellhead Protection Plan.

WELLHEAD PROTECTION OVERLAY DISTRICT Ia: A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to the public water supplies.

WELLHEAD PROTECTION OVERLAY DISTRICT Ib: A three (3) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT II: A six (6) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT III: A ten (10) year "time of travel district (TOT)" as defined in this Section.

10-4-20.3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT:

There is hereby established a Wellhead Protection Overlay District identified and described as all the area within the ten (10) year TOT district around public water supplies as shown on the Official Zoning Map. It is further established that these areas be composed of four (4) districts: "Wellhead Protection Overlay District Ia," "Wellhead Protection Overlay District Ib", "Wellhead Protection Overlay District II", and "Wellhead Protection Overlay District III", as they are defined in this Chapter. The City may record with the County Recorder's office a metes and bounds description of the Wellhead Protection Overlay District.

10-4-20.4: PROHIBITED USES WITHIN DISTRICT Ia OF THE WELLHEAD PROTECTION AREA:

Uses permitted within District Ia shall be limited to necessary public water supply wellhead equipment including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited.

10-4-20.5: PROHIBITED USES WITHIN DISTRICT Ib OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are hereby prohibited within District Ib of the Wellhead Protection areas:

- (A) Sanitary landfills.
- (B) Livestock confinement operations.
- (C) Hazardous waste disposal facility.
- (D) Injection wells except for the following:

- 1. Closed systems.

(E) All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water.

(F) Existing sewer lines shall not be closer than one hundred feet (100') of a wellhead or of new sanitary systems and sewer lines shall not be closer than one hundred fifty feet (150') of a wellhead.

(G) Existing septic tanks or drain fields shall not be closer than one hundred feet (100') of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred feet (200') away from the wellhead.

(H) Junk or salvage yards.

(I) Disposal of waste oil, oil filters, tires and all other petroleum products.

(J) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.6: PROHIBITED USES WITHIN DISTRICT II OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are prohibited within District II of the Wellhead Protection Overlay District:

(A) Sanitary landfills;

(B) Hazardous waste disposal facilities;

(C) Injection wells except for the following:

1. Deep well injection (below 18 feet in depth):

- a. Geothermal heat;
- b. Heat pump return;
- c. Cooling water return.

2. Shallow well injection only (less than 18 feet in depth):

- a. Storm runoff;
- b. Agricultural runoff waste water;
- c. Special drainage water;
- d. Aquifer recharge;
- e. Aquifer remediation;
- f. Septic systems (general).

(D) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.7: PROHIBITED USES WITHIN DISTRICT III OF THE WELLHEAD PROTECTION OVERLAY DISTRICT:

The following uses or conditions shall be and are prohibited within District III of the Wellhead Protection Overlay District:

(A) Injection wells except for the following:

1. Deep well injection (below 18 feet in depth):

- a. Geothermal heat;
- b. Heat pump return;
- c. Cooling water return.

2. Shallow well injection only (less than 18 feet in depth):

- a. Storm runoff;
- b. Agricultural runoff waste water;
- c. Special drainage water;
- d. Aquifer recharge;
- e. Aquifer remediation;
- f. Septic systems (general).

(B) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.8: NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:

Whenever there is a request which requires approval from the Planning and Zoning Commission for land lying within a Wellhead Protection District, written notice of the hearing shall be given to the entity operating the public or community water supply within that overlay district.

The Planning and Zoning Commission may require a granting of easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

10-4-20.9: NONCONFORMING USES:

Any legal use existing at the time of the adoption of this section and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in the zoning ordinance. (Ord. 2526, 5-20-1996)

10-4-20.10: ENFORCEMENT:

It shall be unlawful for any person, corporation, government entity or business to occupy or use the land within the area designated in the wellhead protection overlay district I, II, and III contrary to, or in violation of, any of the provisions of this section 10-4-20. (Ord. 2526, 5-20-1996)

10-4-20.11: AMENDMENTS:

Amendments will require approval from all of the counties and municipalities that this section 10-4-20 affects. (Ord. 2526, 5-20-1996)

10-4-21: NCO, NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT:**10-4-21.1: PURPOSE:**

This overlay district is intended to provide for limited commercial and service activities within residential zoning districts and serving the local neighborhood, and which are integrated into a residential setting. Development of this overlay is allowed only through the ZDA process. (Ord. 3082, 12-8-2014)

10-4-21.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') above ground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential:
 - a. Household units in upper floors of commercial or professional buildings.
4. Retail trade:
 - a. Bakery.
 - b. Bookstore.
 - c. Craft shop, in conjunction with retail business.
 - d. Eating places.
 - e. Florist shop.
 - f. Food, drugs, etc.
 - g. General merchandise.
 - h. Hardware store.
 - i. Hobby and toy store.
 - j. Ice cream store.
 - k. Import store.
 - l. Laundering and dry cleaning.
 - m. Laundromats.
 - n. Music store.
 - o. Pet shop.
 - p. Sporting goods store.
5. Services:
 - a. Beauty and barbershops.

- b. Copy center - self-service.
- c. Daycare services.
- d. Duplicating and stenographic offices.
- e. In-home daycare services.
- f. Photography studios.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications And Utilities:
 - a. Utility-owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Water treatment plants.
4. Medical Facilities:
 - a. Doctors' offices.
 - b. Hospitals and clinics.
 - c. Rehabilitation services.
5. Miscellaneous:
 - a. Any facility with drive-through service.
6. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
7. Public Assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Schools - private, single purpose.
 - d. Schools - private, vocational and/or academic.
 - e. Schools - public.
 - f. Theaters - indoor.
8. Retail Trade:
 - a. Alcoholic beverages, when consumed on the premises where sold.
 - b. Apparel and accessories.
 - c. Car wash facilities.
 - d. Commercial greenhouses.
 - e. Farm and garden supplies.

- f. Gasoline service stations.
- g. Taxidermy studio. (Ord. 2526, 5-20-1996)

9. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Dog grooming and/or kennels.
- d. Employment agency.
- e. Finance and investment offices.
- f. Insurance and related business.
- g. Professional organizations.
- h. Professional services.
- i. Real estate and related business.
- j. Tattoo parlors or dermagraphic studios approved by the South Central District Health Department or other State regulatory agency.
- k. Welfare and charitable facilities. (Ord. 2550, 6-2-1997)

10. Sports Facilities:

- a. Indoor recreation facility.
- b. Miniature golf courses.
- c. Outdoor, public and commercial ice and roller skating facilities.
- d. Outdoor, public and commercial swimming pools.
- e. Outdoor, public and commercial tennis courts.

11. Transportation:

- a. Bus facilities, including pickup shelters.
- b. Taxicab office.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this Title is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

10-4-21.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the NCO District:

(A) District Size And Spacing: An NCO District shall not be less than five (5) acres nor more than twenty (20) acres. Only one overlay is allowed in each area generally described on the Comprehensive Plan Map as a Neighborhood Commercial Center.

(B) Lot Area:

1. Nonresidential uses shall provide a lot area of sufficient size to provide for the building, required setbacks, off-street parking and landscaping.

2. Residential uses shall provide the lot area required by the underlying residential zone.

(C) Lot Occupancy:

1. Nonresidential Uses: No requirement.

2. Residential Uses: Same as the underlying district.

(D) Building Height:

1. Nonresidential Uses: No building shall exceed twenty five feet (25') in height.

2. Residential Uses: Same as the underlying district.

(E) Yards:

1. Nonresidential uses: Same as the underlying district, except buildings exceeding three thousand (3,000) square feet shall have a yard of fifty feet (50') from the property line on street frontages.

2. Residential uses: Same as the underlying district.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on the subdivision plat.

(G) Landscaping:

1. Nonresidential uses shall have, as a minimum, twenty percent (20%) of the site landscaped.

a. Parking rows shall be separated by landscaping of at least five feet (5') in width for the entire length of the parking rows except for walkways.

b. Landscaping of thirty feet (30') in depth behind the sidewalk or property line should be provided surrounding the project. Such landscaping shall have fifty percent (50%) of the area bermed to a height of three feet (3').

2. Residential uses: Same as the underlying district.

(H) Off Street Parking:

1. All uses shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See the sign code in chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences And Landscaping: Same as the underlying district.

(K) Additional Requirements:

1. Nonresidential uses: The following additional requirements shall also be met:

a. All buildings shall be of a residential architectural style with gable or hip roof with a minimum three to twelve (3/12) pitch and twelve inch (12") eave.

b. Hours of store operation within the NCO district shall be between the hours of six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.

c. Single occupancy buildings not to exceed twenty five thousand (25,000) square feet.

d. No exterior display of merchandise/goods (or storage).

e. Totally enclosed refuse containers. (Ord. 2526, 5-20-1996)

f. Additional requirements as may be determined by the city council through the ZDA process. (Ord. 3082, 12-8-2014)

2. Residential uses: Same as the underlying district. (Ord. 2526, 5-20-1996)

10-4-22: WHO, WAREHOUSE HISTORIC OVERLAY DISTRICT:

10-4-22.1: PURPOSE:

This overlay district is intended to provide recognition and protection of the nationally registered Twin Falls historic warehouse district through the implementation of design guidelines for modifications, demolition or construction of buildings within the district. This overlay may be placed on the CB, OT, M1 or M2 zoning district. (Ord. 2608, 5-3-1999)

10-4-22.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use permitted in the basic district upon which the overlay is placed.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Any use allowed by special use permit in the basic district upon which the overlay is placed.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2608, 5-3-1999)

10-4-22.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the warehouse historic overlay district:

(A) Lot Area: The minimum lot size as required by the basic district upon which the overlay is placed.

(B) Lot Occupancy: Same as that of the basic district upon which the overlay is placed.

(C) Building Height: Same as that of the basic district upon which the overlay is placed.

(D) Yards:

1. Front yards: Same as that of the basic district upon which the overlay is placed.
2. Side yards: Same as that of the basic district upon which the overlay is placed.
3. Rear yards: Same as that of the basic district upon which the overlay is placed.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping: Same as that of the basic district upon which the overlay is placed or such additional or other landscaping as required by the historic preservation commission.

(G) Off Street Parking: Same as that of the basic district upon which the overlay is placed. (Ord. 2608, 5-3-1999)

(H) Design Guidelines: No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within this district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "Warehouse Historic District Design Guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 3025, 2-6-2012)

10-4-23: RB, RESIDENTIAL BUSINESS DISTRICT:

10-4-23.1: PURPOSE:

This zoning district is intended to allow conversion of residential structures located on arterial and collector roads in areas of transition to an appropriate mix of residential, light retail and service commercial uses that provide good transitions with nearby residential uses and neighborhoods. This zone allows existing residential uses to remain and be improved, while also allowing low scale, low intensity commercial and business operations to be developed as part of infill projects. Centralized water and sewer facilities are required.

Development in the residential business zoning district should:

- (A) Be low in scale and intensity,
- (B) Share design characteristics with nearby residential uses,
- (C) Provide a good neighborhood "fit", and
- (D) Exude a distinct residential character. (Ord. 2998, 1-3-2011)

10-4-23.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Underground and aboveground transmission lines.
 - c. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
3. Governmental facilities:
 - a. Governmental office buildings.
4. Medical facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Doctors' offices.
 - c. Drug and alcohol treatment centers.
 - d. Rehabilitation services.
5. Parks:

- a. Open space.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds without crowd attracting facilities.

6. Public assembly:

- a. Funeral chapels.
- b. Religious facilities.
- c. Schools - private, single purpose.
- d. Schools - private vocational and/or academic.
- e. Schools - public.
- f. Wedding chapels and/or reception halls.

7. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Bed and breakfast facilities.
- c. Home occupations.
- d. Household units existing at the time this title was adopted.
- e. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
- f. Household units in upper floors of commercial or professional buildings.

8. Retail trade:

- a. Alcoholic beverages when consumed on premises where sold if located three hundred feet (300') or more from residential property.
- b. Antique shop.
- c. Apparel and accessories.
- d. Art galleries and frame shops.
- e. Automobile parts store.
- f. Bakery.
- g. Bookstore.
- h. Cottage businesses.
- i. Craft shop, in conjunction with retail business.
- j. Eating places.
- k. Fabric and pattern shop.
- l. Florist shop.
- m. Food, drugs, etc.
- n. General merchandise.
- o. Hardware store.
- p. Hobby and toy store.
- q. Home furnishings and appliances.
- r. Ice cream store.
- s. Import store.
- t. Laundering and dry cleaning.
- u. Laundromats.
- v. Music store.
- w. Pet shop.

x. Sporting goods store.

y. Taxidermy studio.

9. Services:

a. Advertising.

b. Apparel repair and alteration.

c. Beauty and barber shops.

d. Building care contracting offices.

e. Business associations.

f. Civic, social and fraternal organizations.

g. Construction trade offices.

h. Consumer credit collection offices.

i. Copy center - self-service.

j. Duplicating and stenographic offices.

k. Finance and investment offices.

l. Horticultural services.

m. In home daycare services.

n. Insurance and related business.

o. Labor unions and organizations.

p. Photography studios.

q. Professional organizations.

r. Professional services.

s. Real estate and related business.

t. Seamstress shop.

u. Tourist information center.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:

a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') above ground.

2. Governmental facilities:

a. Fire stations and police stations.

b. Water treatment plants.

3. Manufacturing:

a. Handcrafted furniture.

4. Medical facilities:

a. Ambulance service.

b. Animal hospital - small animals.

c. Prosthetics - sales, service and construction.

5. Miscellaneous:

a. Any facility with drive-through service.

b. Notwithstanding the foregoing, any such proposed use which broadcasts amplified music or sound by speakers

to the exterior of a building shall also require a special use permit.

6. Residential:

- a. Detached accessory buildings (more than 1,000 square feet), i.e., garages and other accessory buildings.
- b. Nursing homes and rest homes.
- c. Shelter homes.

7. Retail trade:

- a. Alcoholic beverages when consumed on premises where sold if located less than three hundred feet (300') from residential property.
- b. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

8. Services:

- a. Commercial childcare facilities and preschools.
- b. Daycare services.
- c. Dog grooming and/or kennels.
- d. Employment agency.
- e. Publishing and printing business.
- f. Testing laboratories.
- g. Welfare and charitable facilities.

9. Sports facilities:

- a. Indoor recreation facility.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2998, 1-3-2011)

10-4-23.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the residential business district:

(A) Lot Area:

1. The lot size shall be of sufficient size to provide for the building, off street parking, stormwater retention and landscaping.

(B) Lot Occupancy:

1. No building shall occupy more than sixty percent (60%) of a lot.

(C) Building Height: No building shall exceed two (2) stories and shall not exceed thirty five feet (35') in total height.

(D) Building Size:

1. No building shall have a total floor area square footage of greater than six thousand (6,000) square feet.

(E) Yards:

1. Front Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:

- a. No structure shall be closer than fifteen feet (15') to the front property line for nonresidential uses.

2. Side Yards:

- a. No structure shall be closer than five feet (5') to the side property line (minimum of 10 feet between any structure/building) for nonresidential uses.

3. Rear Yards:

- a. For nonresidential uses, the rear yard may be reduced to the side yard setback of five feet (5').

(F) Access:

1. Only One Access Allowed Per Lot: Upon redevelopment of an existing property, if more than one access exists it will be coordinated with the city engineer which access(es) shall be eliminated. Adjoining properties should have joint accesses whenever possible.

2. Driveway Access: No driveway with access to more than two (2) parking spaces will open onto the side street for access or ingress to the properties containing the nonresidential uses, nor can any additional curb cuts be made on the side

street curbs. However, if a driveway presently exists that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places.

3. Modifications: When an existing residential structure is converted to a nonresidential use, the driveway requirements above may be modified by the administrator if it can be shown that strict compliance to these development standards is not possible.

(G) Landscaping: Landscaping shall conform to the following standards, or sections 10-7-10 and/or 10-7-12 of this title, whichever is greater:

1. Twenty percent (20%) of each property shall be maintained in landscaping.
2. New development shall encourage planter boxes, barrel planters, and other landscaping in parking areas to reduce the visual impact of parking lots from the road.

(H) Off Street Parking:

1. Any use that has a parking requirement, as determined by section 10-10-6 of this title, in excess of twenty four (24) spaces is prohibited.

2. Off street parking shall conform to the requirements contained in section 10-10-3 of this title. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the planning and zoning commission if it can be shown that strict compliance to these development standards is not possible. Before the parking requirements may be modified, the planning and zoning commission shall hold a public hearing, publish notice, post the property and give written notice to all parties, as required for variance permits.

(I) Signs:

1. Shall comply with chapter 9, "Sign Regulations", of this title. Multiple occupancy buildings shall have a sign plan approved by the administrator.

(J) Walls, Fences And Hedges:

1. Nonresidential Use: Any nonresidential use shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the nonresidential use and any contiguous residential lot or use.

2. Minimum Standards:

a. Screening shall be a minimum six foot (6') fence or wall or a landscaped area or any combination thereof. If it be a fence or wall it shall be constructed of wood, solid vinyl, metal (not chainlink), concrete or concrete block. If it be a landscaped area, it shall be evergreen bushes or trees and may include an earthen berm.

b. Whenever bushes or trees are used as screening, the screening height may not be less than three feet (3') at the time of planting, providing a minimum height of six feet (6') is achieved within five (5) years after planting.

c. Screening shall completely obscure objects inside the screened area when viewed from any angle outside the screened area and shall be constructed so as to reduce noise, lights and blowing trash.

(K) Building Design Standards:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform to the general residential nature of the neighborhood, consistent with the existing architectural style and design. Where possible, existing residences located in the residential business zoning district should be preserved in their present form and use. Where this is not feasible, individual residences should be allowed to convert into residential business developments. In cases where existing structures and site conditions are prohibitive for conversion, two (2) or more existing lots may be assembled and developed as residential business uses, thereby consolidating site access and creating a more rational parking layout. Once a particular property has been converted to a residential business use, it shall not be allowed to revert to a residential use.

2. Roofs: Roofs are required to be pitched, with a minimum pitch of four to twelve (4:12), and residential in nature.

3. Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces.

4. Commercial Buildings: Commercial buildings on street frontages shall have functional entrances that face the street and have between ten percent (10%) and forty percent (40%) of the facade as windows. Windows shall be nonreflective glass. (Ord. 3073, 8-24-2015)