



Twin Falls Planning & Zoning Commission Agenda

Wednesday, July 2, 2025, 12:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

City Limits: Cortney Campbell, Chairperson; Tiffany Zimmerman, Vice-Chairperson; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Rui Gomes

Area of Impact: Jeff Bulkley

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Conflict of Interest Declaration
- 3) Consent Calendar
- 4) Items of Consideration
 - a) **ACTION ITEM:** Request for an Extension of timeline for the Canyon Rim Townhomes Preliminary Plat (PZ23-0100).
By: William Klaver, Senior City Planner
- 5) Public Hearings
 - a) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Zoning Actions" and "Appendix: Definitions". c/o City of Twin Falls (PZ24-0121).
By: Jonathan Spendlove & William Klaver
- 6) Upcoming Meeting(s)
 - a) July 8, 2025
- 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.



Date: Wednesday, July 2, 2025
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for an Extension of timeline for the Canyon Rim Townhomes Preliminary Plat (PZ23-0100).

Time Estimate:

5-10 minutes

Background:

The preliminary plat received a formal written decision on January 23, 2024. The approval period, per Municipal Code 10-12-3- (I) allows for one (1) extension granted by the commission for an additional two (2) year period. This would grant the extension to the Canyon Rim Townhomes Preliminary Plat until January 23, 2026. Staff received a letter from Mark Russell, requesting extension of the Preliminary Plat on June 13, 2025.

Approval Process:

Per Twin Falls Municipal Code 10-12-2-3 (I) preliminary are approved for a period of two (2) years after the action by the Commission. However, the code allows for one (1) extension to be granted by the Commission for another two (2) years. For the Preliminary Plat be valid without an extension or, the applicant must submit a Final Plat application receive stamp of approval from the Planning and Zoning Administrator to be ready for City Council approval.

A simple majority vote on this item will grant the extension as requested.

Budget Impact:

N/A

Regulatory Impact:

Should the commission extend the preliminary plat approval, the preliminary plat will lock in Title 10 requirements such as road widths, lot sizes, etc. for another two (2) years, and would allow for a final plat application to be applied for.

History:

N/A

Analysis:

N/A

Conclusion:

City Staff does not foresee detrimental issues arising from granting this extension.

The Commission is tasked with making a final decision on this item.

Attachments:

1. PZ23-0100 Staff Report
2. PZ23-0100 Planning and Zoning Commission's Written Decision



Date: Tuesday, January 23, 2024
To: Planning and Zoning Commission
From: Lisa Strickland, City Planner

ACTION ITEM

Request:

Request for the consideration of the Preliminary Plat for the Canyon Rim Townhomes Subdivision consisting of 141 lots on 13.63 acres located at 831 Park Avenue c/o Stephen Andersen, Civil Science, on behalf of Mark Russell. (PZ23-0100)

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

This is a request to have the preliminary plat for Canyon Rim Townhome subdivision approved.

Approval Process:

Per City Code 10-12-2-3

The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

Budget Impact:

N/A

Regulatory Impact:

This preliminary plat shall comply with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3 and all regulatory zoning standards.

All general criteria for approval shall be met, per State Statute 50 - Chapter 13 and shall be compatible with the Comprehensive Plan.

Approval of the preliminary plat will set many parameters to which the final plat must substantially conform, including total number of lots, street layout, sidewalk connections and other similar items.

History:

On August 8, 2022 this property was approved for a rezone from R-4 CRO to R-4 CRO ZDA for a proposed development for attached dwellings of up to 9 units per building. The site was proposed to contain 20 buildings equaling 136 residential units within the 13 acres. The current property is undeveloped and has

been used for residential purposes. The development agreement and design requires the property to be platted and provide an adequate number of lots and adequate open space with landscaping, a canyon rim trail connection and recreational areas. To meet these standards, the applicant has platted 141 lots, with 136 planned for residential development.

Analysis:

Staff has reviewed the preliminary plat based on the proposed development plan, the zoning regulations and comprehensive plan and finds that the preliminary plat is within compliance. The minimum lot size allowed per the ZDA is 1,000 sq. ft. with each lot having 100% occupancy and allowing for individual ownership. Required improvements to Park Ave and portions of Blue Lakes Blvd S will be required with the development. The property will be developed in phases with centralized water and sewer services.

Conclusion:

Upon conclusion, this preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding C-1 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50 - Chapter 13.

Should the Commission approve this request as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

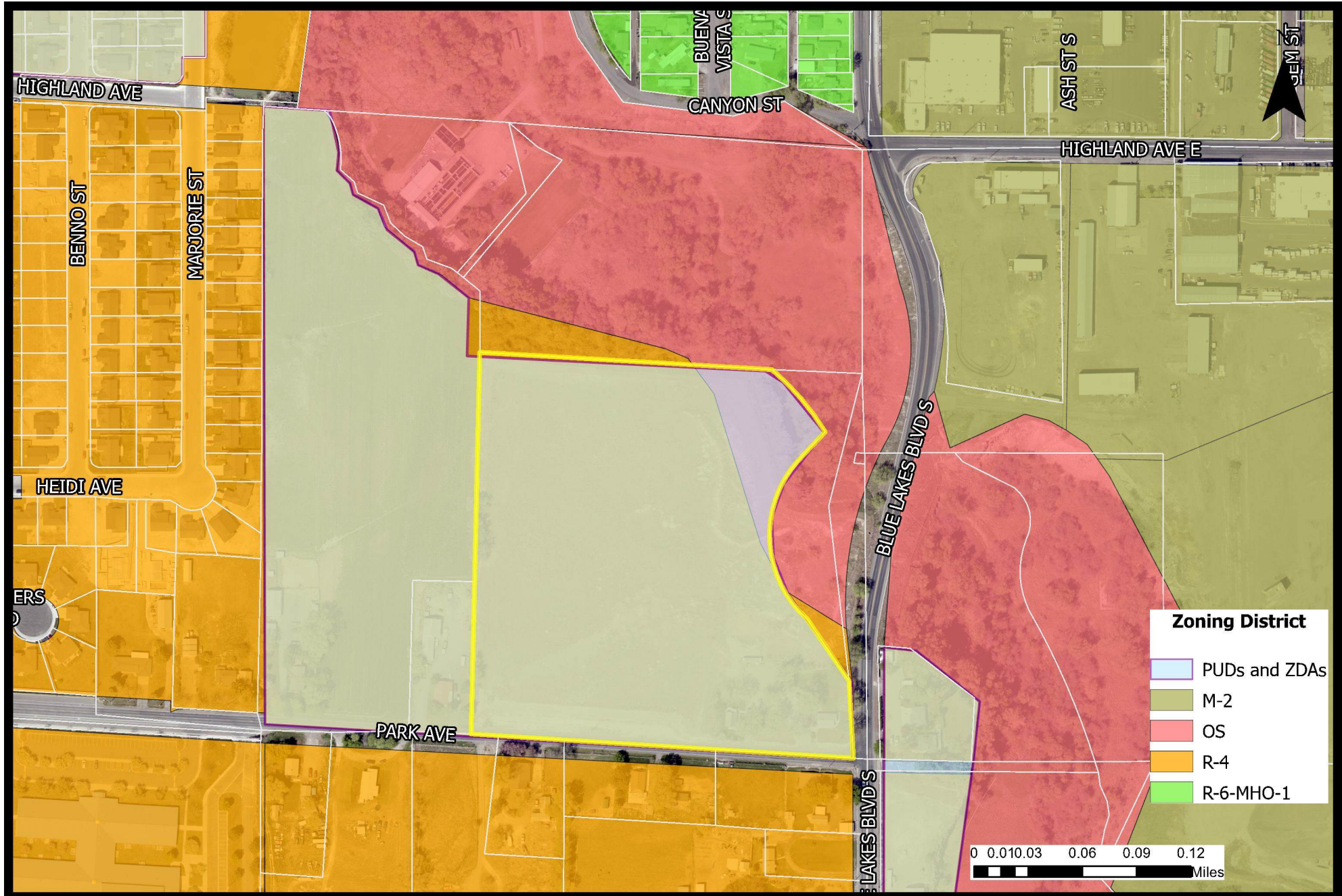
Attachments:

1. Vicinity Map
2. Zoning Map
3. FLU Map
4. Canyon Rim Townhomes Subd Preliminary Plat

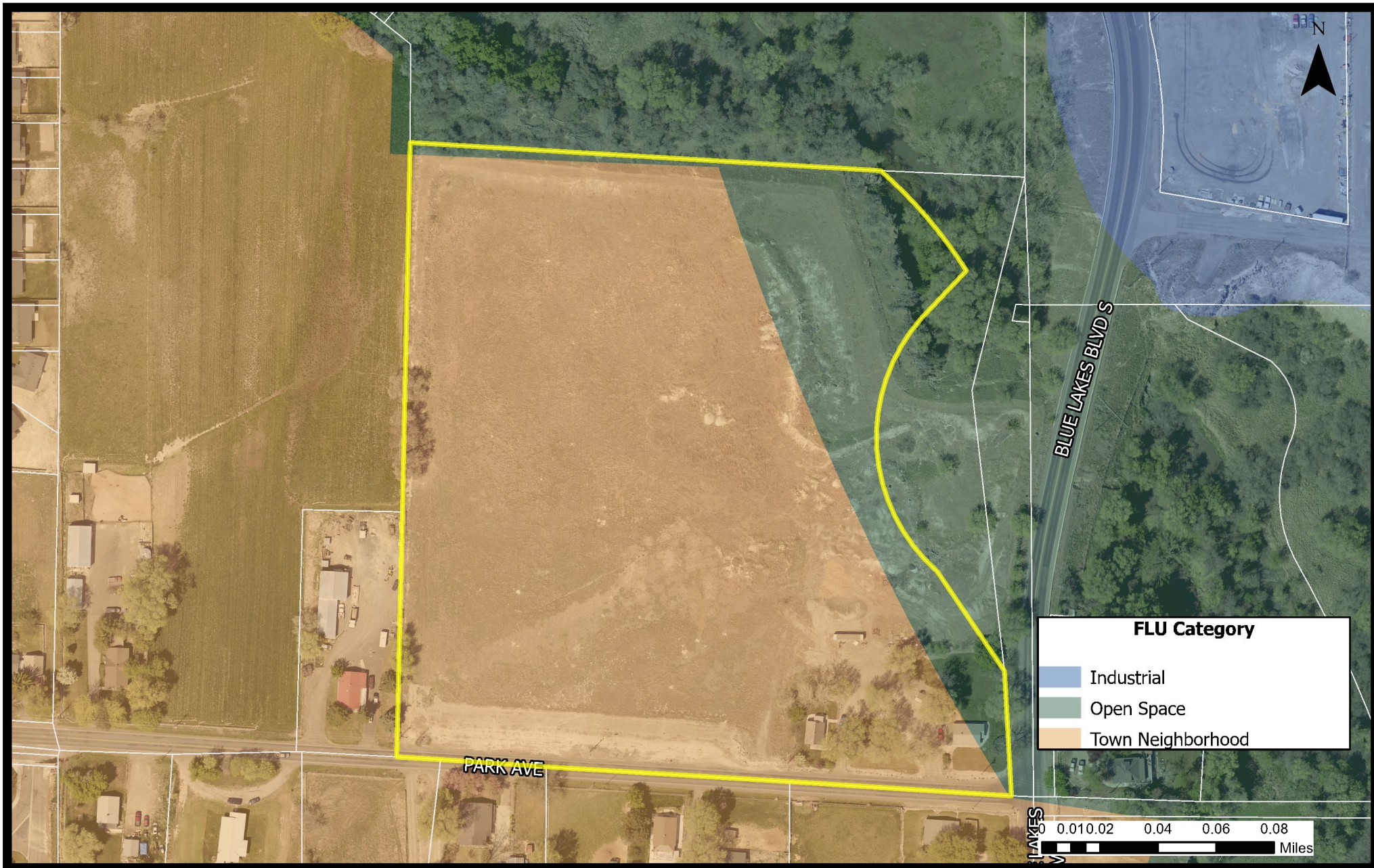
Request to consider the preliminary plat Canyon Rim Townhouse Subdivision approximately 13 (+/-) acres consisting of 136 residential lots and 5 common lots located at 831 Park Ave.

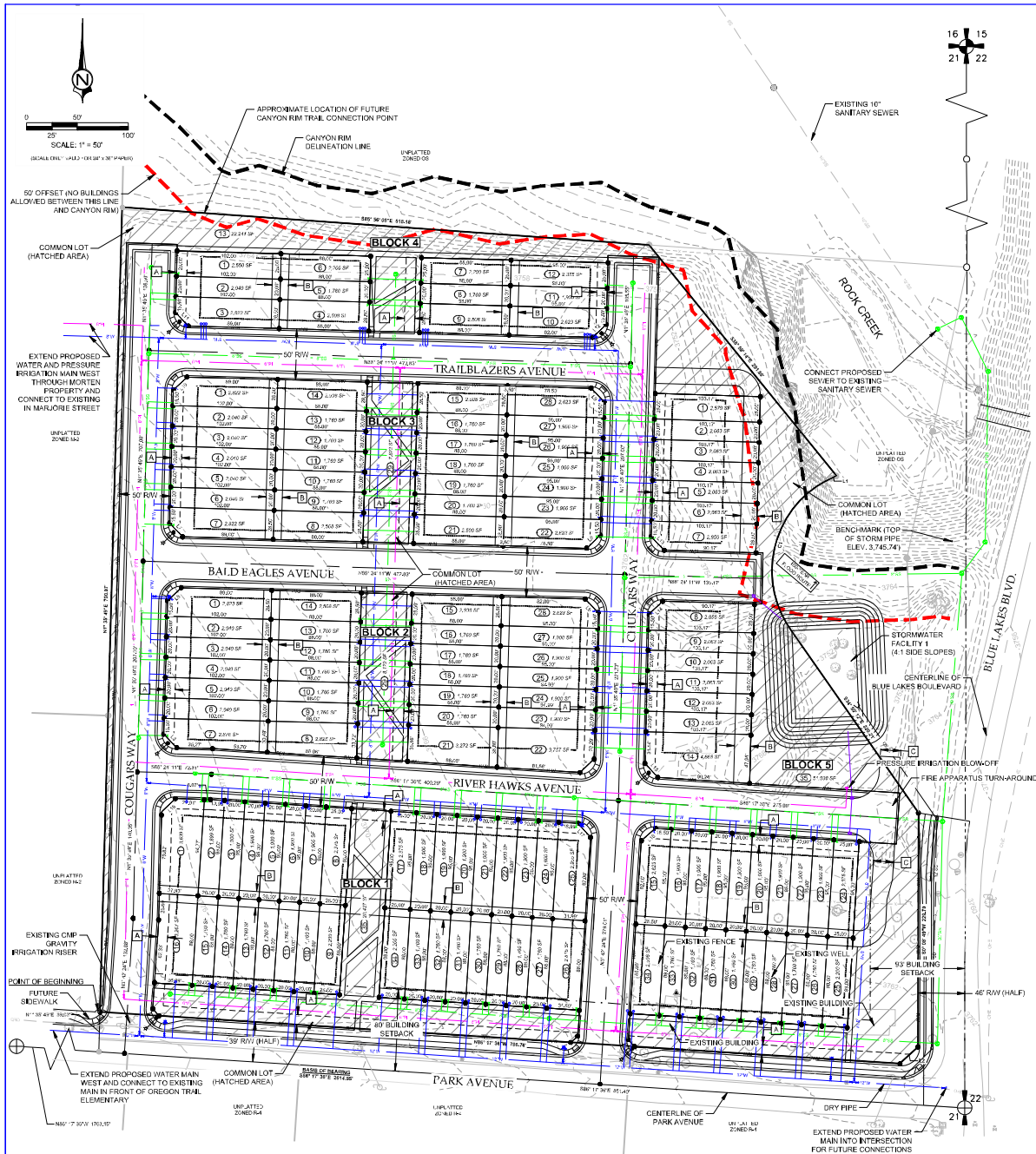


Zoning Map



FLU Map





PRELIMINARY PLAT
FOR
CANYON RIM TOWNHOMES SUBDIVISION
LOCATED IN THE
SE ¼, NE ¼, SECTION 21,
TOWNSHIP 10 SOUTH, RANGE 17 EAST
BOISE MERIDIAN
CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO
2023

NOTES

ALL POTABLE WATER PIPES ARE OWNED BY THE CITY OF TWIN FALLS. ALL NEW PIPES SHALL BE 8" DIA. MIN.

ALL SEWER MAINS AND MANHOLES ARE OWNED BY THE CITY OF TWIN FALLS. ALL NEW SEWER MAINS SHALL BE 8" DIA. UNLESS OTHERWISE NOTED.

WATER AND SANITARY SEWER UTILITIES NOT WITHIN THE RIGHT-OF-WAY SHALL HAVE A 15' EASEMENT CENTERED ON THE PIPE.

ALL EXISTING BUILDINGS WITHIN THE BOUNDARIES OF THE SUBDIVISION WILL BE REMOVED.

EACH INDIVIDUAL LOT WILL HAVE ITS OWN TRASH CAN.

ALL PROPOSED BUILDINGS ARE TOWN HOME STYLE BUILDINGS.

ADA ACCESSIBLE ROUTES WILL BE CONSTRUCTED AT ALL SIDEWALKS AND STREET INTERSECTIONS.

THIS PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL (R-6).

THE PROPERTY IS LOCATED IN FLOOD ZONE X (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, SEE FIRM MAP NUMBER 160803180C).

THE CURRENT PROPERTY IS UNDEVELOPED AND UNFARMED WITH TWO RESIDENTIAL SINGLE-FAMILY DWELLINGS.

EACH LOT WILL HAVE ITS OWN PRESSURE IRRIGATION SERVICE LINE CONNECTED TO THE MAINS IN THE STREET (SERVICES NOT SHOWN FOR CLARITY).

CONTACT INFORMATION

DEVELOPER:
Franklin, LLC
967 East Parkcenter Blvd #227
Boise, Idaho 83706
(208) 455-4166

ENGINEER / SURVEYOR:
Civil Science
376 Falls Ave
Twin Falls, ID 83391
(208) 737-0007

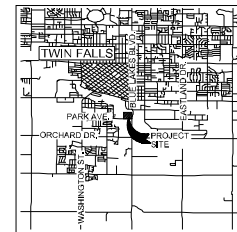
LINE TABLE

LINE #	LENGTH	DIRECTION
L1	5.47'	S 69°09'40" W
L2	24.95'	S 46°55'35" W
L3	18.38'	N 43°24'11" W
L4	19.08'	S 46°33'28" W
L5	16.38'	S 43°24'11" E
L6	16.38'	N 46°39'49" E
L7	16.38'	N 43°24'11" W
L8	16.38'	S 46°39'49" W
L9	16.38'	S 43°24'11" E
L10	16.38'	N 46°39'49" E
L11	16.38'	S 43°24'11" W
L12	16.38'	S 46°39'49" W
L13	16.38'	N 43°24'11" W
L14	16.38'	N 46°39'49" E
L15	16.72'	N 42°29'54" W
L16	19.09'	N 46°38'04" E
L17	16.38'	S 41°17'36" E
L18	16.38'	N 48°42'24" E

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	174.53'	100.00'	99°59'54"	S 15°08'45" W	153.21'

VICINITY MAP N.T.S.



EASEMENT LEGEND

- 10' UTILITY EASEMENT
- 16' DRIVEWAY ACCESS EASEMENT
- 20' WIDE FIRE APPARATUS TURNAROUND EASEMENT

LEGEND

- EX. SANITARY SEWER
- PR. 8" SANITARY SEWER
- PR. 18" SANITARY SEWER
- EX. OVERHEAD POWER LINE
- PR. 8" WATER MAIN
- PR. 12" STORM DRAIN
- PR. 6" PRESSURE IRRIGATION
- PR. 8" PRESSURE IRRIGATION
- EX. FENCE
- EX. GAS LINE
- PROPERTY BOUNDARY
- LOT BOUNDARY
- UTILITY EASEMENT
- RIGHT-OF-WAY
- EX. CURB/GUTTER/SIDEWALK
- PR. CURB/GUTTER/SIDEWALK
- SECTION LINE
- CANYON RIM
- CANYON RIM 50' OFFSET
- BUILDING FOOTPRINT
- MAJOR CONTOUR
- MINOR CONTOUR
- BUILDING SETBACK
- WATER VALVE
- FIRE HYDRANT
- WATER SERVICE
- SANITARY SEWER MANHOLE
- SEWER SERVICE
- EX. COMMUNICATIONS PED.
- PR. LIGHT POLE
- PR. CATCH BASIN
- PR. STORM DRAIN MANHOLE
- EX. MAILBOX CLUSTER
- EX. MAILBOX
- EX. CONIFEROUS TREE
- EX. DECIDUOUS TREE
- EX. SIGN
- EX. CATCH BASIN
- EX. POWER POLE

PRELIMINARY PLAT

CANYON RIM TOWNHOMES SUBDIVISION

TWIN FALLS, IDAHO

PROJ. # FK-22269.00
DATE 11/16/2023
DESIGN BY BS
CHECKED BY SA
SHEET pp-1

1 OF 2

CivilScience
Engineers Surveyors Solutions
376 FALLS AVE.
TWIN FALLS, ID 83391
208.737.0007

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BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Preliminary Plat</u> Application,	)	FINDINGS OF FACT,
	)	
<u>Mark Russell</u>	)	CONCLUSIONS OF LAW,
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the Tuesday, January 23, 2024, hearing for consideration of the preliminary plat of Canyon Rim Townhomes Subdivision, approximately 13.63 (+/-) acres, to develop 141 lots located at 831 Park Avenue, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following:

FINDINGS OF FACT

1. Applicant has requested approval of the preliminary plat of Canyon Rim Townhomes Subdivision, approximately 13.63 (+/-) acres, to develop 141 lots located at 831 Park Avenue.
2. The property in question is zoned R-4 CRO ZDA pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, Rock Creek Canyon; to the south, Park Avenue; to the east, Blue Lakes Blvd S; to the west, Residential
4. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to the availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water, and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.
5. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the Canyon Rim Townhomes Subdivision, approximately 13.63 (+/-) acres, to develop 141 lots located at 831 Park Avenue is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

The request for approval of the preliminary plat of Canyon Rim Townhomes Subdivision, approximately 13.63 (+/-) acres, to develop 141 lots located at 831 Park Avenue is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as

though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.



CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

1.23.24

DATE

"EXHIBIT NO. A"

1. Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.
2. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.



Date: Wednesday, July 2, 2025
To: Planning and Zoning Commission
From: Jonathan Spendlove & William Klaver

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Zoning Actions" and "Appendix: Definitions". c/o City of Twin Falls (PZ24-0121).

Time Estimate:

20-30 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:

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

The chapters applicable to this Staff Report are "Zoning Actions" & "Definitions". The Zoning Actions chapter has not changed significantly from the previous code. These items are typically governed by state statute and we have not deviated from that. This proposed text amendment combines current Title 10 chapters 13, 14, 15, 16, and a portion of Chapter 6 into one (1) chapter. Furthermore, a matrix shows who recommends or approves each zoning decision. Some minor changes to update references will occur.

The Definitions chapter has been completely overhauled by staff, in conjunction with Deputy City Manager Humble. This proposed text amendment includes adding approximately ~100 terms/uses, deleting ~80 terms/uses, creating definitions for ~200 terms/uses, and modifying ~40 terms/uses. In the end, staff has combed through these definitions multiple times reviewing terms for clarity and simplification. In some instances terms were combined, in others new land uses or terms were created in order to more clearly define the subject.

Definitions have been on the City's website since April 14, 2025. Staff has not received any comments on the proposed draft.

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:

If approved, this section will provide the general verbiage for the Zoning Actions Chapter & the applicable Definitions in Title 10. Prior to adoption, the entirety of Title 10 will be brought forth to the Commission and Council in its final format, where the Council will decide to proceed with an ordinance or not.

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 Actions & Definition chapters of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the Zoning Actions & Definition chapters of Title 10; or*
3. *Move to table the item to a date certain of _____*

Attachments:

1. PZ24-0121 Proposed Zoning Actions
2. PZ24-0121 Current Zoning Actions
3. PZ24-0121 Proposed Zoning Definitions
4. PZ24-0121 Current Zoning Definitions

10-8: ZONING ACTIONS

10-8-1: GENERAL.

- A. Chapter Purpose. This chapter outlines the zoning actions and appeals associated with the Twin Falls Uniform Development Code. Organization is based upon which entity has final approval over the action in question.
- B. Zoning Application Review & Procedures Chart.

Zoning Application	Description	City Staff	Historic Preservation Commission	Planning & Zoning Commission	City Council	Final Action
R – Recommendation D – Decision A – Appeal H – Public Hearing						
<i>Administrative Final Decisions</i>						
Building Permits		D		A	A	Permit
Nonconforming Expansion Waivers		D		A	A	Permit
Required Landscaping Field Modifications		D				Permit
Shared Parking Requests		D		A	A	Permit
Site Plan Permit		D		A	A	Permit
Zoning Verification Letters		D		A	A	Official Letter
Zoning Use Permits		D		A*	A*	Permit
<i>Historic Preservation Commission Final Decisions</i>						
Certificate of Appropriateness			D		A	Certificate
<i>Planning & Zoning Commission Final Decisions</i>						
Alternative Landscaping Plans				D	A	Reasoned Decision
Nonconforming Expansion Permit				H/D	A	Permit
Revocation of Zoning Permits				H/D	A	Reasoned Decision
Special Use Permits				H/D	A	Permits
Variance				H/D	A	Reasoned Decision

City Council Final Decisions						
Additional Building Height Request				H/R	H/D	Permit
Annexations				H/R	H/D	Ordinance
Vacations				H/R	H/D	Reasoned Decision
Zoning Development Agreements				H/R	H/D	Ordinance
Zoning District & Title Amendments				H/R	H/D	Ordinance
Comprehensive Plan Amendments				H/R	H/D	Resolution
Subdivisions						
Short Plats		D		A	A	Reasoned Decision
Preliminary Plats				D	A	Reasoned Decision
Final Plats					D	Reasoned Decision
NOTES: *Appeals of a Zoning Use Permit shall only be based upon the correct application of code conditions. The appeal shall not be utilized to request a modification or deviation of a land use condition as found in 10-4 of this Title.						

10-8-2: ADMINISTRATIVE DECISIONS.

- A. Criteria applicable to All Administrative Decisions
 - i. Action by the Administrator: The Administrator shall make a determination within 15 business days after submission of a complete application.
 - ii. Appeal of an Administrative Decision: The Administrators' decision may be appealed following the process outlined in CC 10-X-X.
- B. Zoning Use Permit. A *Zoning Use* is a land-use otherwise prohibited by the terms of this title in a given zone, but which may be allowed with conditions under specific provisions of this title as found in City Code 10-4: Zoning Use Development Standards.
 1. Authority to Grant. The Administrator shall authorize Zoning Use permits upon demonstration of the conditions in City Code 10-4, and other applicable regulations in Twin Falls City Code, have been met.
- C. Nonconforming Expansion Waiver. A Nonconforming Expansion Waiver is required for any proposed alteration, improvement, reconstruction or expansion which requires a building permit of any property which consists of an existing residential nonconforming building, structure, or use.

1. Application. The Nonconforming Expansion Waiver application will require all information deemed necessary as determined by the Administrator.
 2. Authority to Grant. The Administrator shall authorize Nonconforming Expansion Waiver permits upon review that the requested waiver does not expand or increase the nonconforming building, structure, or use associated with the subject property and other applicable regulations in Twin Falls City Code, have been met.
- D. Landscape Plan Field Modifications. Staff may approve Landscape Plan Field Modification(s) for required landscaping.
1. Such Field Modifications may be approved by the Administrator per the requirements established in 10-6-13:
 2. Staff must approve or deny Landscape Field modifications within five business day after receipt of a written request. The written request if approved shall become part of the pertinent building permit.
- E. Shared Parking Requests. A Shared Parking Request may be granted per the requirements established in 10-5-11 of this Title.
1. Authority to Grant: The Administrator shall authorize Shared Parking Requests upon demonstration of the conditions in City Code 10-5-11, and other applicable regulations in Twin Falls City Code, have been met.
- F. Building Permit. No person shall erect, construct, enlarge, alter, repair, move, convert or demolish any building or structure in the city or cause the same to be done without first obtaining a separate building permit for each such building or structure from the city building official.
- i. Certificate of Occupancy Required: It shall be unlawful to use, occupy, or permit the use or occupancy of any building, premises, or part thereof, thereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure, until a certificate of occupancy has been issued stating that the proposed use of the building and/or land conforms to the requirements of this title, and with all conditional provisions that may have been imposed.
 - (1) A temporary certificate of occupancy may be initially issued for a period not to exceed six (6) months.
 1. A nonrefundable fee, and refundable retainer, as determined by the adopted master fee schedule, shall be collected prior to issuance of a temporary certificate of occupancy.
 2. One extension may be granted for an additional three (3) months upon new application and payment of additional nonrefundable fee.
 3. Temporary Certificates expire at five o'clock (5:00) P. M. on the date listed.
 4. In the event a temporary certificate expires without completion of the Required Improvements, the entire retainer amount shall be forfeited to the City of Twin Falls. In addition to the retainer forfeiture, the City may also initiate revocation

proceedings of any permit, license, or any other approval, according to their respective revocation procedures.

- ii. Application For Permit: To apply for a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose by the city building official, who shall determine the acceptability of the request in conformance with the building code, and who shall thereupon issue or deny the application.

G. Site Plan Permit:

- i. No person shall perform construct, enlarge, alter, repair, move, convert or demolish any parking, landscaping, stormwater, or other site work in the city or cause the same to be done without first obtaining formal approval from the City (Site Plan Permit, Building Permit, etc.).
 - (1) What's required when they are done? Letter of completion? Bond? Etc.

10-8-3: HISTORIC PRESERVATION COMMISSION DECISIONS. Certificate of Appropriateness: See 10-3-3 thru 10-3-5 of this Title

10-8-4: PLANNING & ZONING COMMISSION DECISIONS.

- A. Criteria applicable to All Planning & Zoning Commission Decisions
 - (A) Post Hearing Commission Action. Within 30 days after the public hearing, the commission shall either approve, conditionally approve or disapprove the application as presented.
 - (B) Notification to Applicant. Within ten days after a decision has been rendered the administrator shall provide the applicant with written notice of the action on the request. Upon granting or denying an application the written notice from the commission shall specify:
 - i. The regulations and standards used in evaluating the application.
 - ii. The reasons for approval or denial.
 - iii. The actions, if any, that the applicant could take to obtain approval.
 - (C) The Planning and Zoning Commission's decision may be appealed following the process outlined in CC 10-X-X.
 - (D) Non-Precedent Clause. A decision shall not be considered as establishing a binding precedent to grant other Planning and Zoning Commission decisions.
 - (E) Commission Request for Additional Information. Prior to granting a decision, the commission may request studies from the planning staff or public agencies concerning social, economic, fiscal and environmental effects of the proposed application.

- B. Special Use Permit. A *special use* is a use otherwise prohibited by the terms of this title in a given zone, but which may be allowed with conditions under specific provisions of this title and when not in conflict with a comprehensive plan.
1. Authority to Grant. The commission may authorize in specific cases special uses, subject, however, to the minimum conditions and requirements of the zoning district in which they are located and subject to additional conditions and requirements necessary to protect the best interest of affected persons and the city as a whole.
 2. Application. An application for special use permit shall be filed with the administrator by at least one owner or lessee of property:
 - a. When a special use is proposed; or,
 - b. When an expansion of more than 25% over the original square footage approved through the special use permit process or a total increase in square footage over 10,000 square feet, whichever is less, or relocation of an existing special use is proposed.
 3. Application Information. The Special Use Permit application will require all information deemed necessary as determined by the administrator.
 4. Public Hearing. Upon receipt of a complete application for a special use permit, the Planning & Zoning Commission shall hold a public hearing. Notice for public hearings shall be provided as set forth in **Section 10-7-20** of this title.
 5. Standards Applicable to Special Uses. The commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards:
 - i. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
 - ii. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
 - iii. 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.
 - iv. Will not be hazardous or disturbing to existing or future neighboring uses.
 - v. 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.
 - vi. 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.
 - vii. 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 noise, smoke, fumes, glare or odors.
- viii. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
 - ix. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - a. Conditions and Restrictions. In granting any special use, the commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this title. Conditions of approval may include but not be limited to:
 - i. Minimizing adverse impact on other developments.
 - ii. Controlling the sequence and timing of development.
 - iii. Controlling the duration of development.
 - iv. Assuring that development is maintained properly.
 - v. Designating the exact location and nature of development.
 - vi. Requiring the provision for on site or off-site public facilities or services.
 - vii. Requiring more restrictive standards than those generally required in this title.
 - b. If the applicant fails to provide proof of compliance within one (1) year of approval, the special use permit shall be void.
- C. Variance. A variance is a modification of the requirements of this title as to bulk and dimensional requirements (lot size, coverage, width, depth, yards, setbacks, building heights, or other title provisions) affecting the size, shape, or placement of a structure upon lots, or the size of lots and public ways.
- 1. Authority to Grant.
 - a. The commission may authorize in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship.
 - b. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance.
 - c. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship or the loss of a building or site that is on a national, state or local register of historic places or sites.
 - d. Variances Concerning Uses Prohibited. Under no circumstances shall the commission grant a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.

2. Application. The Variance application will require all information deemed necessary as determined by the administrator.
3. Public Hearing. Upon receipt of a complete application for a variance, the Planning and Zoning Commission shall hold a public hearing. Notice for public hearings shall be provided as set forth in **section 10-7-20** of this title.
 - a. Standards Applicable to Variances. The commission shall review the particular facts and circumstances to evaluate whether the proposed variance meets all of the following:
 - i. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - ii. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.
 - iii. That special conditions and circumstances do not result from the actions of the applicant.
 - iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
 - v. That a literal enforcement of the provisions of this title would result in unnecessary hardship. For purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.
 - b. A variance shall not be granted unless the commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above-mentioned standards and conditions have been met by the applicant.
 - c. The Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this title.
- D. Nonconforming Expansion Permit. A Nonconforming Expansion Permit is required for any proposed expansion of any component of an existing nonconforming building, structure, or use.
 1. Application. The Nonconforming Expansion Permit application will require all information deemed necessary as determined by the administrator.
 2. Public Hearing. Upon receipt of a complete application for a nonconforming expansion, the Planning and Zoning Commission shall hold a public hearing. Notice for public hearings shall be provided as set forth in **section 10-7-20** of this title.
 - a. Standards Applicable to Nonconforming Expansions. The commission shall review the particular facts and circumstances to evaluate the following in regard to their approval of a nonconforming expansion:

- i. Will the proposed expansion be harmonious with and in accordance with the general objectives of the comprehensive plan and/or zoning regulation?
- ii. Will the proposed expansion be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity?
- iii. Will the proposed expansion involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare of the surrounding neighborhood by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?
- iv. Will the proposed expansion have any other adverse impact upon the surrounding neighborhood?
- v. Considerations relating to traffic safety:
 - (A) The effect of the site development plan on traffic conditions on contiguous streets.
 - (B) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
 - (C) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
 - (D) The location, arrangement and dimensions of truck loading and unloading facilities.
 - (E) The circulation patterns within boundaries of the development.
 - (F) The surfacing and lighting of off-street parking facilities.
- vi. Considerations relating to outdoor advertising and noise:
 - (A) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent developments.
 - (B) The nuisance effect of additional noise.
- vii. Considerations relating to relating to landscaping:
 - (A) The location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent developments or to conceal storage areas, utility installation or other unsightly development.
 - (B) The planting of ground cover or surfacing to prevent dust and erosion.
 - (C) The unnecessary destruction of existing healthy trees.
 - (D) The restoration of natural vegetation.
 - (E) The aesthetic effects on motorists, bicyclists and pedestrians passing along public rights of way adjacent to or included with the development.
- viii. Considerations relating to buildings and site layout: The considerations of exterior design in relation to adjoining structures in height, bulk and

- area openings, breaks in the facades and facing on streets, line and pitch of roof and arrangement of structure on the parcel.
- ix. Considerations relating to drainage and utilities:
 - (A) The effect of the site development plan in relation to the adequacy of the storm and surface water drainage proposals.
 - (B) The use of city sewer and water.
 - (C) The underground placement of utilities.
 - b. The commission may impose special conditions designed to lessen the impact of the proposed expansion on the surrounding neighborhood and in order to make the proposed expansion more compatible with the same. Violation of such special conditions, when made a part of the terms under which the nonconforming building expansion permit is granted, shall be deemed a violation of this title.
- (B) Alternative Landscaping Plan. **See 10-6-3: Alternative Landscaping Plan** of this Title.
- (C) Preliminary Plat. **See 10-6-3: Preliminary Plat** of this Title.

10-8-5: CITY COUNCIL FINAL DECISION

- A. Annexation.
 - 1. Prior to annexation of an unincorporated area the subject property must meet the following:
 - a. The subject property must be contiguous with a City of Twin Falls incorporated parcel or lot;
 - b. The subject property must be within the Twin Falls Comprehensive Plan as adopted by the City of Twin Falls; and,
 - c. Per the City Engineer, it must be possible to provide City centralized water and sewer services to the subject property.
 - 2. Annexation Process.
 - a. The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed annexation plan and zoning changes. The Commission shall recommend to the Council approval, denial, or approval with modifications of the proposed annexation and zoning change.
 - b. After a recommendation by the Commission concerning the annexation plan and zoning change of the subject property, the City Council shall hold a public hearing.

B. Vacation.

1. Petition Required. Any property owner desiring to vacate an existing subdivision, plat, public right of way, or platted easement shall complete and file a petition with the Administrator. The petition for vacation shall set forth the particular circumstances of the request to vacate; contain a legal description of the platted area or property to be vacated and the names of the persons affected thereby. In the case where lots have been sold in a platted area, the petition should include an acknowledged written statement from each of the owners of the aforesaid sold lots indicating whether or not they are in agreement with the proposed vacation.
2. Administration Action. Upon receipt of the completed petition, the Administrator shall affix the date of petition acceptance thereon. The Administrator shall place the petition on the agenda for consideration at the next regular meeting of the Commission.
3. Public Hearing. The Commission shall hold a public hearing and make recommendations on all petitions for vacation of an existing subdivision, plat or part thereof, and notice of said public hearing shall be given, by certified mail with return receipt, at least ten days prior to the date of the public hearing to all property owners within 300 feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two consecutive weeks in the official newspaper of the City, the last of which shall not be less than seven days prior to the date of said hearing.
4. Commission Recommendation. Within 60 days from the receipt of the petition for vacation, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.
5. Action by Council. The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a signed Quit Claim Deed for the vacated rights of way in such proportions as are prescribed by law.

C. Final Plat. See **Section 10-7-20: Final Plat** of this Title

D. Zoning District & Title Amendments.

1. Authority to Amend. Whenever the public necessity, convenience, general welfare or good zoning practices require, the City Council may, by ordinance, after receipt of recommendation thereon from the Commission and subject to procedures provided by law, change the zoning district classification of property.
2. Initiation of Zoning District Changes.
 - a. By adoption of a motion by the commission.
 - b. By adoption of a motion by the council.

- c. By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be changed or affected by said amendment.
- 3. Criteria For Review: The planning and zoning commission and city council shall review the facts and circumstances of each proposal in terms of the following standards:
 - a. How the requested zoning at the location in question would be in the community's best interest;
 - b. How the list of uses permitted by the zoning ordinance would blend with surrounding land uses;
 - c. If the subject site is physically suitable for the type and intensity of land uses permitted under the proposed zoning district;
 - d. If the uses permitted in the proposed zoning district would be adequately served by public facilities and services such as thoroughfares, police and fire protection, drainage, refuse disposal, water, sewer, and schools, to ensure the public health, safety and general welfare;
 - e. If the uses permitted in the proposed zoning district would be compatible in terms of their scale, mass, coverage, density, and intensity with adjacent land uses;
 - f. Whether the proposed zoning designation is consistent with the comprehensive plan land use map designation.
- 4. Commission Action. Zoning Districts, Overlay Districts, and Title Amendments shall be submitted to the commission which shall hold a public hearing and evaluate the request to determine the extent and nature of the amendment requested.
- 5. Approval or Denial of the requested Zoning District Change. Within 60 days from the receipt of the proposed amendment, the commission shall transmit its recommendation to the council. The commission may recommend that the zoning district change be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for zoning district changes are in general conformance with the comprehensive plan.
- 6. Action by City Council. The Council, prior to adopting, revising or rejecting the proposed zoning district change as recommended by the commission shall conduct at least one public hearing. Upon granting or denying an application to amend this title, the council shall specify:
 - a. The regulations and standards used in evaluating the application.
 - b. The reasons for approval or denial.
 - c. The actions, if any, that the applicant could take to obtain approval of the requested zoning district change.

- E. Additional Height Request. An applicant may request for a greater height allowance.
1. Additional Height Request Procedure.
 - a. Public Hearing: Upon receipt of a complete application for an Additional Height Request the Planning & Zoning Commission shall hold a public hearing. Notice for public hearings shall be provided as set forth in **section 10-7-20** of this Title.
 - b. The Planning & Zoning Commission shall conclude the hearing with a recommendation of approval, approval with conditions, or denial to the City Council.
 2. Post Hearing Commission Action. Within 30 days after the public hearing, the commission shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with conditions, the commission shall direct the administrator to issue a special use permit listing the specific conditions specified by the commission for approval.
 3. The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if said council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.
 4. Upon granting or denying an application to amend the Comprehensive Plan, the council shall specify:
 - a. The regulations and standards used in evaluating the application.
 - b. The reasons for approval or denial.
 - c. The actions, if any, that the applicant could take to obtain a permit.
- F. Zoning Development Agreement:
1. A zoning development agreement (ZDA) is designed to accommodate appropriate combinations of uses that may be planned, developed, and operated as integral land use units either by a single owner or a combination of owners. A ZDA is intended to accomplish some, or all of the following:
 - a. Foster and promote a variety of appropriate land use combinations in a preplanned development pattern;
 - b. Encourage developers to use a creative approach in land development;
 - c. Retain and conserve natural land and topographic features;
 - d. Promote greater use of streetscape and pedestrian oriented aesthetics;
 - e. Promote the creation and efficient use of open spaces;
 - f. Create flexibility and variety in the location of improvements on lots;
 - g. Provide flexibility in development standards to facilitate creative land development concepts.

2. Underlying Zoning District. Each ZDA shall accompany a request to rezone a subject property to one or more underlying zoning districts that shall comply with the comprehensive plan.
3. Use Regulations. Land uses in a ZDA shall conform to the standards and regulations of the underlying zoning district(s), unless otherwise approved and included within the ZDA.
4. ZDA Standards. The following property development standards shall apply to all land and buildings in a ZDA:
 - a. Development requirements for each ZDA shall be set forth in the written commitment document and shall include, but not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, multiuse transportation access and pathways, screening, landscaping, architectural standards, project phasing or scheduling, management associations, and other requirements as the planning and zoning commission and/or the city council may deem appropriate.
 - b. The ZDA shall conform to all sections of this title unless specifically addressed in the written commitment document. All applications to the city shall list all requested variations from the standard requirements. Applications without this list shall be considered incomplete.
 - c. A ZDA subject parcel shall be a minimum of two acres unless the planning and zoning commission recommends and the city council finds that property of less than two acres is suitable as a ZDA by virtue of:
 - i. Unique character; or
 - ii. Infill development; or
 - iii. Topography or landscaping features; or
 - iv. Qualifying as an isolated problem area.
5. ZDA Conceptual Development Plan.
 - a. A ZDA shall include a conceptual development plan that illustrates the standards contained therein. This plan shall be submitted by the applicant at the time the zoning and ZDA request is submitted. The plan shall show the applicant's intent for the use(s) of the land within the proposed ZDA in a visual manner and be supported by written documentation of proposals and standards for development. Dependent on the nature of the ZDA request, this plan may be submitted as a residential plan, nonresidential plan, or a mixed-use combination plan. For a mixed-use development, the plan shall comply with requirements for both the residential and nonresidential plans.
 - b. Residential Conceptual Development Plan. A conceptual development plan for residential land use shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The plan shall include, but is not limited to, the proposed general land use, streets,

thoroughfares, storm drainage, and preliminary lot arrangements. The applicant shall submit text material to further explain the characteristics of the plan, which may include, but shall be not limited to, multiuse transportation access and pathways, density, building height, screening, landscaped areas, project scheduling, parks and open space, and other pertinent development data. The applicant shall also submit color renderings or elevations to illustrate proposed architectural standards or requirements.

- c. Nonresidential Conceptual Development Plan. A conceptual development plan for nonresidential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The applicant shall also submit text material to further explain the characteristics of the plan. The plan and text material shall include, but is not limited to, the types of use(s), topography and boundary of ZDA subject parcel, the size, type and location of buildings and building sites, proposed ingress and egress, physical features of the site, existing streets, stormwater management, alleys and easements, location of future public facilities, multiuse transportation access and pathways, building height and location, parking, landscaping, screening, project scheduling and other information to adequately describe the proposed development and to provide data for approval that is to be used in preparing the final development plan(s). The applicant shall also submit color renderings or elevations to illustrate proposed architectural standards or requirements.
6. Conformance to The Conceptual Development Plan. Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved conceptual development plan. Details on the final development plan(s) with minor variations from the conceptual development plan may be approved by the administrator, or designated city official without public hearing. If it is determined that a proposed change(s) constitutes a departure from the conceptual development plan and/or the development standards, the ZDA written commitment document shall be adequately amended using the initial approval process contained herein. Changes to any of the following items constitute a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:
 - a. The permitted uses,
 - b. Increase in density,
 - c. Increase in building height,
 - d. Increase in building coverage of the site,
 - e. Reduction in the off-street parking ratio,
 - f. Reducing the building setbacks provided at the boundary of the site,
 - g. Reduction of any open space plans, or

- h. Alteration of the overall design theme, primary architectural elements, or building materials.
7. Procedure.
- a. Any applicant shall schedule a project coordination meeting with the administrator, or his/her designee.
 - b. The procedure for establishing a ZDA shall follow the procedure for zoning map amendments as set forth in Chapter 14.
 - c. Each ZDA written commitment document shall be signed and notarized by the property owner(s) and shall include the following:
 - i. A legal description of the ZDA subject parcel boundary, including legal descriptions of each underlying zoning district, if multiple underlying districts are included.
 - ii. A statement as to the purpose and intent of the ZDA.
 - iii. A list of the ZDA development requirements that vary from the standard development requirements of the underlying zoning district.
 - iv. An expected development schedule. If no development has occurred on the ZDA subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:
 - (A) The city may initiate a process to change the zoning classification, or
 - (B) New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for any portion of the ZDA subject parcel.
 - v. A statement, signed by the property owner(s) and notarized, indicating a commitment to develop the subject parcel in conformance with the ZDA.
 - d. The city council shall not adopt an ordinance rezoning the subject parcel until the property owner/developer has submitted a complete and signed ZDA written commitment document. The signed ZDA written commitment document shall be attached as an exhibit to the rezoning ordinance and recorded in the office of the county recorder.
 - e. Approval of a ZDA shall be based on the following standards:
 - i. The proposed uses shall not be detrimental to any surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public.
 - ii. Any variation from the underlying zoning district development requirements must be warranted by the design and amenities incorporated in the conceptual development plan.
 - iii. The underlying zoning district and the conceptual development plan shall conform to the comprehensive plan.

- iv. Existing and/or proposed streets and utility services must be suitable and adequate for the proposed development.
- (D) Comprehensive Plan Amendments. Whenever the public necessity, convenience, general welfare or good zoning practices require, the council may, by resolution, after receipt of recommendation thereon from the commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.
1. Initiation of Amendments. Amendments to the Comprehensive Plan may be initiated in one of the following ways:
 - a. By adoption of a motion by the commission.
 - b. By adoption of a motion by the council.
 - c. By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be changed or affected by said amendment.
 2. Amendment Application, Contents. The Comprehensive Plan Amendment application will require all information deemed necessary as determined by the administrator.
 3. Commission Action. Comprehensive Plan Amendments shall be submitted to the commission which shall hold a public hearing and evaluate the request to determine the extent and nature of the amendment requested.
 4. Approval or Denial of the requested Comprehensive Plan Amendment. Within 60 days from the receipt of the proposed amendment, the commission shall transmit its recommendation to the council. The commission may recommend that the application be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.
 7. Action by City Council. The Council, prior to adopting, revising or rejecting the proposed zoning district change as recommended by the commission shall conduct at least one public hearing. Upon granting or denying an application to amend this title, the council shall specify:
 - d. The regulations and standards used in evaluating the application.
 - e. The reasons for approval or denial.
 - f. The actions, if any, that the applicant could take to obtain approval of the requested zoning district change.
 8. Resubmission of Application. No application for a reclassification of any property which has been denied by the council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one year from the date of such final action.

10-8-6 APPEAL PROCESS.

- (A) Appeal of Administrative Decision.

1. Standing to Appeal. A person aggrieved by the Administrator's interpretation of this Code, or by an Administrative Decision, may file an appeal with the Planning & Zoning Commission.
 2. Timing of Appeal. The appealing party shall submit a complete appeal application and fee within ten days of the written decision.
 3. Scheduling of Appeal. The application for appeal shall be forwarded to the Planning & Zoning Commission, no later than 30 days after the appeal is filed as an Item of Consideration.
- (B) Appeal of the Historic Preservation Commission's decision regarding a Certificate of Appropriateness.
1. Standing to Appeal. A person aggrieved by the Historic Preservation Commission's decision may file an appeal with the City Council.
 2. Timing of Appeal: The appealing party shall submit a complete appeal application and fee within ten days of the written decision.
 3. Scheduling of Appeal: The application for appeal shall be forwarded to the City Council, no later than 30 days after the appeal is filed as an Item of Consideration.
- (C) Appeal of Planning & Zoning Commission Decisions.
1. Standing to Appeal. A person aggrieved by the Planning & Zoning Commission's decision may file an appeal with the City Council.
 2. Timing of Appeal. The appealing party shall submit a complete appeal application and fee within ten days of the written decision.
 3. Notice of Filed Appeal. The Administrator shall give notice that an appeal has been received to the parties of record. Failure of delivery or delay of receipt of the notice shall not extend the appeal period or be grounds for appeal.
 4. Scheduling of Appeal. The application for appeal shall be forwarded to the City Council, and a date shall be set for a public hearing. The hearing date shall be no later than 30 days after the appeal is filed.
- (D) Notice of Appeal Required.
1. The appealing applicant shall follow the same process and notification requirements as the original party.

10-8-7: REVOCATION OF ZONING PERMITS

- (A) Any privilege, permit or license, hereinafter called permit, granted pursuant to this title, including any permit granted prior to the passage of this section, and with the exception of rezone requests, may be revoked for the following reasons:
1. When a significant change in the use which does adversely impact neighboring developments occurs.

2. For violation of supplementary conditions, safeguards and/or restrictions imposed by the city council or the planning and zoning commission at the time the permit was granted.
 3. Use of a zoning permit or certificate for a use other than the use for which said permit or certificate was issued.
- (B) A petition for revocation may be initiated in the following manner:
1. By adoption of a motion by the commission for revocation of the permit.
 2. By adoption of a motion by the council for revocation of the permit.
 3. By the filing of a petition by an aggrieved property owner or person who has an existing interest in property within the area affected by the contested use.
- (C) Notice of initiation of revocation proceedings shall be provided to the permit holder in writing within fifteen (15) days of the filing of the petition for revocation or the passage of a motion initiating revocation proceedings. Notice shall include the following:
1. The name of the party or parties petitioning for a permit revocation.
 2. The date and time of passage of a motion to revoke by the zoning body, or the date of filing of the petition to revoke.
 3. The change in circumstances which has been alleged to have occurred and the adverse impact which said change in circumstances is expected to have.
 4. The supplementary conditions, safeguards and restrictions alleged to have been violated.
- (D) A public hearing on the motion or petition to revoke shall be held before the appropriate zoning body. The permit holder, city staff and/or any aggrieved party may present testimony or other evidence at said hearing. Said hearing shall be held within forty five (45) days of the filing of a petition for revocation or the passage of a motion initiating revocation proceedings. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title.
- (E) The decision of the zoning body hearing a revocation proceeding shall be based on the record. If said zoning body finds substantial evidence on the record that continuance of the use in question will result in a significant adverse impact on the surrounding developments or other affected parties, and that the permit holder is unable or unwilling to alleviate the adversity, or if said zoning body finds substantial evidence on the record that conditions, safeguards or restrictions imposed by the commission or council have been violated, the zoning body may revoke the permit in question.
- (F) A permit which has been revoked may be reinstated only by reapplying for said permit.
- (G) Within ten (10) days after a decision has been rendered, the administrator shall provide the permit holder with written notice of the action taken.

Upon receipt of a decision from the planning and zoning commission, an aggrieved party may appeal to the city council. The council shall set a hearing date and shall hold a public hearing pursuant to the provisions provided herein.

10-8-8: TRANSFER, REACTIVATION AND DISCONTINUANCE OF PERMITS

- (A) Transfer, reactivation, and Discontinuance:
- (B) Transfer of Administrative Permits: A Zoning permit is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the permit continue to be met.
- (C) Reactivation of Administrative Permits: Permits which have not been established within one year of the date of issuance of the permit, may be reviewed by staff to determine if the facts and circumstances have changed; staff may call for a new permit application.
- (D) Discontinuance of Administrative Permits: Discontinuance of a Zoning permit shall comply with Idaho State Code 67-6538.
 - 1. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.

10-8-9: PUBLIC HEARING NOTICE REQUIREMENTS

Public notice shall be provided for land use actions requiring a public hearing. Public notice shall comply with the following requirements. Public hearings for appeals to the administrator's interpretation and administration of this title, zoning title amendments not relating to a specific property, and comprehensive plan amendments not relating to a specific property are not required to provide mail and site posting notice. Public notice for appeals shall follow the public notice requirements of the original application.

- (A) Mail: Mail notice shall be provided as follows when required:
 - 1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be provided by mail to the following:
 - a. Property owners, or purchasers of record, within the land being considered;
 - b. Property owners, or purchasers of record, within five hundred feet (500') of the external boundaries of the land being considered;
 - (1) For special use permit, zoning map amendment, and future land use map amendment requests involving the R6, MHO-1, and nonresidential districts, except M1, M2, and OS, notices shall be mailed to property owners, or purchasers of record, within seven hundred fifty feet (750') of the external boundaries of the land being considered.
 - (2) For special use permit, zoning map amendment, and future land use map amendment requests involving the M1 and M2 districts, notices shall be mailed to property owners, or purchasers of record, within one thousand feet (1,000') of the external boundaries of the land being considered.

- (3) Any additional property owners, or purchasers of record, that may be impacted by the proposed change as determined by the administrator, and
 - (4) All political subdivisions providing services within the planning jurisdiction, including the city, school districts, and the Magic Valley regional airport manager.
 2. Vacations shall follow mailing requirements as outlined in Idaho State Code Section 50, Chapter 13.
 3. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
 4. The applicant requesting the proposed change shall mail the notices to the required property owners. Upon mailing, the applicant shall sign an affidavit stating that he has notified in writing the required property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of the notification shall be attached to the affidavit and returned to the city not less than ten (10) days prior to the hearing.
- (B) Site Posting: Notice shall be posted on site as follows when required:
1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the premises.
 2. The applicant requesting the proposed change shall post the required notice on the premises as follows:
 - a. Notice shall be provided by not less than one sign located on the subject property adjacent to each street frontage of the property. In the event that the subject property is not adjacent to a public street, signs may be placed within the nearest public street right of way with prior approval from the administrator and the owner of the right of way.
 - b. Signs shall be placed on the property so as to remain clearly visible from adjacent streets. In the event that visibility of signs located on the property is obstructed, signs may be placed within the adjacent street right of way with prior approval from the administrator and the owner of the right of way.
 - c. Additional notice signs may be required as determined by the administrator.
 - d. Notice signs shall be made from metal, plywood, or an equivalent hard surface and shall be mounted on two (2) posts in a manner that is most visible to the street.
 - e. Notice signs shall be a minimum of two feet (2') tall by three feet (3') wide and mounted so the bottom of the sign is at least two feet (2') above the ground. Notice signs that are located along a city designated arterial street or a state highway shall be a minimum of four feet (4') tall and four feet (4')

wide and mounted so the bottom of the sign is at least three feet (3') above the ground.

- f. Notice signs shall be white in color. At the top of the sign, notice signs shall include each of the following with a minimum size of six inch (6") black letters:
 - 1. The words, "Notice of Public Meeting",
 - 2. The words, "for more information call", and then the phone number for the city's planning and zoning department, and
 - 3. The official city logo.
- g. Notice signs shall include a brochure holder mounted to the sign. The applicant requesting the proposed change shall ensure that, until such time as the notice sign is removed, the brochure holder contains handouts providing notice of the time and place of the hearing and a summary of the proposal. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
- i. The applicant requesting the proposed change shall remove the posted notice sign(s) from the property not more than three (3) days after the conclusion of the final public hearing for the proposed action.

(C) Newspaper: Newspaper notice shall be provided as follows when required:

- 1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the city.
- 2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
- 3. The administrator shall cause the newspaper notice to be prepared and published.

(D) City Website: Notice shall be provided on the city website as follows when required:

- 1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the city website, www.tfid.org.
- 2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
- 3. The administrator shall cause the notice to be posted on the city website. (Ord. 3091, 3-2-2015)

DRAFT

10-6-1: ZDA, ZONING DEVELOPMENT AGREEMENT:

10-6-1.1: PURPOSE:

A zoning development agreement (ZDA) is designed to accommodate appropriate combinations of uses that may be planned, developed, and operated as integral land use units either by a single owner or a combination of owners. A ZDA is intended to accomplish some, or all of the following:

- (A) Foster and promote a variety of appropriate land use combinations in a preplanned development pattern;
- (B) Encourage developers to use a creative approach in land development;
- (C) Retain and conserve natural land and topographic features;
- (D) Promote greater use of streetscape and pedestrian oriented aesthetics;
- (E) Promote the creation and efficient use of open spaces;
- (F) Create flexibility and variety in the location of improvements on lots;
- (G) Provide flexibility in development standards to facilitate creative land development concepts. (Ord. 3082, 12-8-2014)

10-6-1.2: UNDERLYING ZONING DISTRICT:

Each ZDA shall accompany a request to rezone a subject property to one or more underlying zoning districts that shall comply with the comprehensive plan. (Ord. 3082, 12-8-2014)

10-6-1.3: USE REGULATIONS:

Land uses in a ZDA shall conform to the standards and regulations of the underlying zoning district(s), unless otherwise approved and included within the ZDA. (Ord. 3082, 12-8-2014)

10-6-1.4: ZDA STANDARDS:

The following property development standards shall apply to all land and buildings in a ZDA:

(A) Development requirements for each ZDA shall be set forth in the written commitment document and shall include, but not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, multiuse transportation access and pathways, screening, landscaping, architectural standards, project phasing or scheduling, management associations, and other requirements as the planning and zoning commission and/or the city council may deem appropriate.

(B) The ZDA shall conform to all sections of this title unless specifically addressed in the written commitment document. All applications to the city shall list all requested variations from the standard requirements. Applications without this list shall be considered incomplete.

(C) A ZDA subject parcel shall be a minimum of two (2) acres unless the planning and zoning commission recommends and the city council finds that property of less than two (2) acres is suitable as a ZDA by virtue of:

1. Unique character; or
2. Infill development; or
3. Topography or landscaping features; or
4. Qualifying as an isolated problem area. (Ord. 3082, 12-8-2014)

10-6-1.5: ZDA CONCEPTUAL DEVELOPMENT PLAN:

A ZDA shall include a conceptual development plan that illustrates the standards contained therein. This plan shall be submitted by the applicant at the time the zoning and ZDA request is submitted. The plan shall show the applicant's intent for the use(s) of the land within the proposed ZDA in a visual manner and be supported by written documentation of proposals and standards for development. Dependent on the nature of the ZDA request, this plan may be submitted as a residential plan, nonresidential plan, or a mixed use combination plan. For a mixed use development, the plan shall comply with requirements for both the residential and nonresidential plans.

(A) Residential Conceptual Development Plan: A conceptual development plan for residential land use shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The plan shall include, but is not limited to, the proposed general land use, streets, thoroughfares, storm drainage, and preliminary lot arrangements. The applicant shall submit text material to further explain the characteristics of the plan, which may include, but shall be not limited to, multiuse transportation access and pathways, density, building height, screening, landscaped areas, project scheduling, parks and open space, and other pertinent development data. The applicant shall also submit color renderings or elevations to illustrate proposed architectural standards or requirements.

(B) Nonresidential Conceptual Development Plan: A conceptual development plan for nonresidential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The applicant shall also submit text material to further explain the characteristics of the plan. The plan and text material shall include, but is not limited to, the types of use(s), topography and boundary of ZDA subject parcel, the size, type and location of buildings and building sites, proposed ingress and egress, physical features of the site, existing streets, stormwater management, alleys and easements, location of future public facilities, multiuse transportation access and pathways, building height and location, parking, landscaping, screening, project scheduling and other information to adequately describe the proposed

development and to provide data for approval that is to be used in preparing the final development plan(s). The applicant shall also submit color renderings or elevations to illustrate proposed architectural standards or requirements. (Ord. 3082, 12-8-2014)

10-6-1.6: CONFORMANCE TO THE CONCEPTUAL DEVELOPMENT PLAN:

Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved conceptual development plan. Details on the final development plan(s) with minor variations from the conceptual development plan may be approved by the administrator, or designated city official without public hearing. If it is determined that a proposed change(s) constitutes a departure from the conceptual development plan and/or the development standards, the ZDA written commitment document shall be adequately amended using the initial approval process contained herein. Changes to any of the following items constitute a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:

- (A) The permitted uses,
- (B) Increase in density,
- (C) Increase in building height,
- (D) Increase in building coverage of the site,
- (E) Reduction in the off street parking ratio,
- (F) Reducing the building setbacks provided at the boundary of the site,
- (G) Reduction of any open space plans, or
- (H) Alteration of the overall design theme, primary architectural elements, or building materials. (Ord. 3082, 12-8-2014)

10-6-1.7: PROCEDURE:

(A) Any applicant requesting approval of a ZDA shall schedule a presubmittal meeting with the administrator, or his/her designee.

(B) The procedure for establishing a ZDA shall follow the procedure for zoning map amendments as set forth in chapter 14 of this title with the following addition: The planning and zoning commission shall complete a preliminary review of the proposed conceptual development plan at a meeting prior to the public hearing for a zoning district and zoning map amendment.

(C) Each ZDA written commitment document shall be signed and notarized by the property owner(s) and shall include the following:

1. A legal description of the ZDA subject parcel boundary, including legal descriptions of each underlying zoning district, if multiple underlying districts are included.
2. A statement as to the purpose and intent of the ZDA.
3. A list of the ZDA development requirements that vary from the standard development requirements of the underlying zoning district.
4. A color conceptual development plan.
5. An expected development schedule. If no development has occurred on the ZDA subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:
 - a. The city may initiate a process to change the zoning classification, or
 - b. New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for any portion of the ZDA subject parcel.
6. A statement, signed by the property owner(s) and notarized, indicating a commitment to develop the subject parcel in conformance with the ZDA.

(D) The city council shall not adopt an ordinance rezoning the subject parcel until the property owner/developer has submitted a complete and signed ZDA written commitment document. The signed ZDA written commitment document shall be attached as an exhibit to the rezoning ordinance and recorded in the office of the county recorder.

(E) Approval of a ZDA shall be based on the following standards:

1. The proposed uses shall not be detrimental to any surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public.
2. Any variation from the underlying zoning district development requirements must be warranted by the design and amenities incorporated in the conceptual development plan.
3. The underlying zoning district and the conceptual development plan shall conform to the comprehensive plan.

4. Existing and/or proposed streets and utility services must be suitable and adequate for the proposed development. (Ord. 3082, 12-8-2014)

10-6-3: BUSINESS PARK ZDA:

A "business park", as defined herein, may be established through the ZDA process, with the following development requirements: (Ord. 3082, 12-8-2014)

- (A) All manufacturing activity shall take place inside an enclosed building.
- (B) No outside storage of any product, material, or vehicles used in the loading, unloading or transportation of manufactured goods.
- (C) No fumes, odors, noise or vibrations shall be allowed at the perimeter of the business park that are above typical residential background levels that are detectable from the outside of the building. (Ord. 2786, 6-1-2004)
- (D) Landscaping equal to ten percent (10%) of the site shall be provided with a master landscape plan approved through the ZDA process. Parking lots of more than twenty five (25) vehicles shall have landscaped islands within the parking lot breaking up large asphalt areas. A thirty five foot (35') wide landscaped buffer with berming at least four feet (4') high shall be required on any street fronting any residential property.
- (E) A master sign plan shall be approved as part of the ZDA.
- (F) Architectural standards shall be approved through the ZDA process for buildings within the business park. (Ord. 3082, 12-8-2014)
- (G) The business park shall be located adjacent to major arterial and collector streets, with no direct access to local residential streets.
- (H) There shall be a one hundred foot (100') building setback and a thirty five foot (35') parking lot setback from any street fronting a residential subdivision or adjacent to residential property or a residential zoning district. Buildings approved over thirty five feet (35') in height shall have four feet (4') additional setback for each foot of additional height over thirty five feet (35'). No building will exceed fifty feet (50') in height without a special use permit.
- (I) The business park shall include a mixture of manufacturing and commercial uses.
- (J) The business park shall be designed to encourage pedestrian and bicycle usage if located within one-half ($\frac{1}{2}$) mile of residential subdivisions.
- (K) No hazardous materials exceeding the exempt quantities as provided by the international building code and international fire code shall be manufactured or warehoused in the business park. Only hazardous materials used in the manufacturing process are allowed. (Ord. 2786, 6-1-2004)

CHAPTER 13

ZONING PERMITS

SECTION:

10-13-1: Building Permit

10-13-2: Certificate of Appropriateness

10-13-3: Variances

10-13-4: Special Use

10-13-5: Revocation Of Zoning Permits

10-13-1: BUILDING PERMIT:

(A) Permit Required: No person shall erect, construct, enlarge, alter, repair, move, convert or demolish any building or structure in the city or cause the same to be done without first obtaining a separate building permit for each such building or structure from the city building official.

(B) Certificate of Occupancy Required: It shall be unlawful to use, occupy, or permit the use or occupancy of any building, premises, or part thereof, thereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure, until a certificate of occupancy has been issued stating that the proposed use of the building and/or land conforms to the requirements of this title, and with all conditional provisions that may have been imposed.

1. A temporary certificate of occupancy may be initially issued for a period not to exceed six (6) months.

a. A nonrefundable fee, and refundable retainer, as determined by the adopted master fee schedule, shall be collected prior to issuance of a temporary certificate of occupancy.

b. One extension may be granted for an additional three (3) months upon new application and payment of additional

nonrefundable fee.

c. Temporary Certificates expire at five o'clock (5:00) P. M. on the date listed.

d. In the event a temporary certificate expires without completion of the Required Improvements, the entire retainer amount shall be forfeited to the City of Twin Falls. In addition to the retainer forfeiture, the City may also initiate revocation proceedings of any permit, license, or any other approval, according to their respective revocation procedures.

(C) Application For Permit: To apply for a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose by the city building official, who shall determine the acceptability of the request in conformance with the building code, and who shall thereupon issue or deny the application. (Ord. 2024-012, 9-9-2024)

10-13-2: CERTIFICATE OF APPROPRIATENESS:

(A) Permit Required: For those properties located within the Twin Falls downtown historic district and the Twin Falls City Park historic district, before applying for a building permit, the property owner shall apply for and receive a certificate of appropriateness from the Twin Falls historic preservation commission.

1. 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 these districts 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 "design guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. The historic preservation commission shall make its determination within ten (10) business days after submission of the application. 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.

2. A certificate of appropriateness shall be required whether or not a building permit is required.

3. Appeal: 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. 2017-009, 2-27-2027; amd. Ord. 2024-012, 9-9-2024)

10-13-3: VARIANCES:

(A) Definition: Variance is a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots and public ways.

(B) Authority To Grant: The commission may authorize in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship or the loss of a building or site that is on a national, state or local register of historic places or sites.

(C) Application: A variance from the terms of this title shall not be granted by the commission unless and until a written application for a variance is submitted to the administrator and the commission containing:

1. Name, address and phone number of applicant.

2. Legal description of property.

3. Description of nature of variance requested. (Ord. 2012, 7-6-1984)

4. A narrative statement and documentation demonstrating that the building or site is on a national, state or local register of historic places or sites or that the requested variance conforms to all the following standards:

a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

b. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.

c. That special conditions and circumstances do not result from the actions of the applicant.

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.

e. That a literal enforcement of the provisions of this title would result in unnecessary hardship. For purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.

A variance shall not be granted unless the commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant. (Ord. 2466, 2-6-1995)

(D) Supplementary Conditions And Safeguards: Under no circumstances shall the commission grant an appeal or

variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district. In granting any appeal or variance, the commission may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this title. (Ord. 2012, 7-6-1984)

(E) Public Hearing: Prior to granting a variance permit, at least one public hearing before the commission in which interested persons shall have the opportunity to be heard shall be held. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

(F) Action By Commission: Within thirty (30) days after the public hearing the commission shall either approve, conditionally approve, or disapprove the request for appeal of variance.

Upon granting or denying an application the commission shall specify:

1. The regulations and standards used in evaluating the application.
2. The reasons for approval or denial.
3. The actions, if any, that the applicant could take to obtain a permit.

The applicant or any affected person may appeal the decision of the commission to the council, provided a written appeal is submitted to the council within fifteen (15) days from the commission's decision.

(G) Notification To Applicant: Within ten (10) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request.

(H) Appeal To Council: Upon receipt of an appeal from the action of the commission, the council shall set a hearing date under the same provisions as the commission hearing to consider all information, testimony and commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision. (Ord. 2012, 7-6-1984; amd. Ord. 2024-012, 9-9-2024)

10-13-4: SPECIAL USE:

(A) Definition: A special use is a use otherwise prohibited by the terms of this title in a given zone, but which may be allowed with conditions under specific provisions of this title and when not in conflict with a comprehensive plan.

(B) Authority To Grant: The commission may authorize in specific cases special uses, subject, however, to the minimum conditions and requirements of the zoning district in which they are located and subject to additional conditions and requirements necessary to protect the best interest of affected persons and the city as a whole.

(C) Application: An application for special use permit shall be filed with the administrator by at least one owner or lessee of property for which such special use is proposed or for which an expansion of more than twenty five percent (25%) over the original square footage approved through the special use permit process or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, or relocation of an existing special use is proposed. At a minimum, the application shall contain the following information:

1. Name, address and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed special use.
6. A plan of the proposed site for the special use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed special use meets the intent and requirements of this title.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to a comprehensive plan.

(D) Standards Applicable To Special Uses: The commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. 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.

4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. 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.
6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

(E) Restrictions: In granting any special use, the commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this title. (Ord. 2124, 10-15-1984)

(F) Public Hearing: Upon receipt of the application for a special use, the commission shall hold a public hearing. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

(G) Action By Commission: Within thirty (30) days after the public hearing, the commission shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the administrator to issue a special use permit listing the specific conditions specified by the commission for approval.

Upon granting of 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.

Prior to granting a special use permit, the commission may request studies from the planning staff or public agencies concerning social, economic, fiscal and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permit.

Upon granting or denying an application the commission shall specify:

1. The regulations and standards used in evaluating the application.
2. The reasons for approval or denial.
3. The actions, if any, that the applicant could take to obtain a permit.

The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided a written appeal is submitted to the council within fifteen (15) days from the commission's action. (Ord. 2620, 8-2-1999)

(H) Notification To Applicant: Within ten (10) days after a decision has been rendered the administrator shall provide the applicant with written notice of the action on the request. (Ord. 2124, 10-15-1984)

(I) Transfer, Review And Discontinuance Of Special Use Permits: A special use permit is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the special use permit continue to be met except special use permits issued for in home daycare services and for home occupations which are not transferable from one owner to another.

Special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed; the commission may call for a new special use permit application.

A special use which has been discontinued for a period of one year shall not be reestablished without a new special use permit. (Ord. 2620, 8-2-1999)

(J) Appeal To The Council: Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. (Ord. 2124, 10-15-1984)

(K) Conditional Approval: If a special use permit is approved on condition that certain improvements be made to the subject property, no permit shall be issued until the applicant has provided proof that the conditions have been complied with. If the applicant fails to provide proof of compliance within six (6) months of approval, the special use permit shall be void. (Ord. 2773, 12-15-2003; amd. Ord. 2024-012, 9-9-2024)

10-13-5: REVOCATION OF ZONING PERMITS:

(A) Any privilege, permit or license, hereinafter called permit, granted pursuant to this title, including any permit granted prior to the passage of this section, and with the exception of rezone requests, may be revoked for the following reasons:

1. When a significant change in the use which does adversely impact neighboring developments occurs.
2. For violation of supplementary conditions, safeguards and/or restrictions imposed by the city council or the planning and zoning commission at the time the permit was granted.
3. Use of a zoning permit or certificate for a use other than the use for which said permit or certificate was issued.

(B) A petition for revocation may be initiated in the following manner:

1. By adoption of a motion by the commission for revocation of the permit.
2. By adoption of a motion by the council for revocation of the permit.
3. By the filing of a petition by an aggrieved property owner or person who has an existing interest in property within the area affected by the contested use.

(C) Notice of initiation of revocation proceedings shall be provided to the permit holder in writing within fifteen (15) days of the filing of the petition for revocation or the passage of a motion initiating revocation proceedings. Notice shall include the following:

1. The name of the party or parties petitioning for a permit revocation.
2. The date and time of passage of a motion to revoke by the zoning body, or the date of filing of the petition to revoke.
3. The change in circumstances which has been alleged to have occurred and the adverse impact which said change in circumstances is expected to have.
4. The supplementary conditions, safeguards and restrictions alleged to have been violated. (Ord. 2045, 7-6-1982)

(D) A public hearing on the motion or petition to revoke shall be held before the appropriate zoning body. The permit holder, city staff and/or any aggrieved party may present testimony or other evidence at said hearing. Said hearing shall be held within forty five (45) days of the filing of a petition for revocation or the passage of a motion initiating revocation proceedings. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

(E) The decision of the zoning body hearing a revocation proceeding shall be based on the record. If said zoning body finds substantial evidence on the record that continuance of the use in question will result in a significant adverse impact on the surrounding developments or other affected parties, and that the permit holder is unable or unwilling to alleviate the adversity, or if said zoning body finds substantial evidence on the record that conditions, safeguards or restrictions imposed by the commission or council have been violated, the zoning body may revoke the permit in question.

(F) A permit which has been revoked may be reinstated only by reapplying for said permit. (Ord. 2045, 7-6-1982)

(G) Within ten (10) days after a decision has been rendered, the administrator shall provide the permit holder with written notice of the action taken.

Upon receipt of a decision from the planning and zoning commission, an aggrieved party may appeal to the city council. The council shall set a hearing date and shall hold a public hearing pursuant to the provisions provided herein. (Ord. 2620, 8-2-1999; amd. Ord. 2024-012, 9-9-2024)

CHAPTER 14

ZONING AMENDMENTS

SECTION:

10-14-1: Authority To Amend

10-14-2: Initiation Of Zoning Amendments

10-14-3: Amendment Application, Contents

10-14-4: Commission Action

10-14-5: Public Hearing

10-14-6: Approval Or Denial Of Amendment

10-14-7: Action By Council

10-14-8: Resubmission Of Application

10-14-9: Zone Boundary Change; Publication Of Notice

10-14-1: AUTHORITY TO AMEND:

Whenever the public necessity, convenience, general welfare or good zoning practices require, the council may, by ordinance, after receipt of recommendation thereon from the commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. (Ord. 2012, 7-6-1981)

10-14-2: INITIATION OF ZONING AMENDMENTS:

Amendments to this title may be initiated in one of the following ways:

(A) By adoption of a motion by the commission.

(B) By adoption of a motion by the council.

(C) By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be changed or affected by said amendment. (Ord. 2012, 7-6-1981)

10-14-3: AMENDMENT APPLICATION, CONTENTS:

Applications for amendments to the official zoning map adopted as part of this title shall be provided by the administrator and shall contain at least the following information:

(A) Name, address and phone number of applicant.

(B) Proposed amending ordinance, approved as to form by the council.

(C) Present land use.

(D) Present zoning district.

(E) Proposed use.

(F) Proposed zoning district.

(G) A vicinity map at a scale approved by the administrator showing the property lines, thoroughfares, existing and proposed zoning and such other items as the administrator may require.

(H) A list of all property owners and their mailing addresses who are within three hundred feet (300') of the external boundaries of the land being considered.

(I) A statement on how the proposed amendment relates to a comprehensive plan, availability of public facilities and compatibility with the surrounding area.

(J) A fee as established by the council. (Ord. 2012, 7-6-1981)

Notes

1. See section 10-3-2 of this title.

10-14-4: COMMISSION ACTION:

Zoning districts, zoning subdistricts and overlay districts 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 (Ord. 2012, 7-6-1981)

(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. (Ord. 3091, 3-2-2015)

10-14-5: PUBLIC HEARING:

The commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

(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.

(B) Zoning Map Amendment: The commission, prior to recommending a zoning map amendment that is in accordance with a comprehensive plan 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. (Ord. 3091, 3-2-2015)

10-14-6: APPROVAL OR DENIAL OF AMENDMENT:

Within sixty (60) days from the receipt of the proposed amendment, the commission shall transmit its recommendation to the council. The commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with a comprehensive plan and established goals and objectives. (Ord. 2012, 7-6-1981)

10-14-7: ACTION BY COUNCIL:

The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if said council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

Upon granting or denying an application to amend this title, the council shall specify:

- (A) The regulations and standards used in evaluating the application.
- (B) The reasons for approval or denial.
- (C) The actions, if any, that the applicant could take to obtain a permit.

In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

10-14-8: RESUBMISSION OF APPLICATION:

No application for a reclassification of any property which has been denied by the council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one year from the date of such final action; unless there is an amendment in a comprehensive plan which resulted from a change in conditions as applying to the specific property under consideration. (Ord. 2012, 7-6-1981)

10-14-9: ZONE BOUNDARY CHANGE; PUBLICATION OF NOTICE:

Whenever a zoning district boundary change is contemplated by the city, notice of said proposed zoning district boundary change and the hearing thereon shall be by publication in the Times-News once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing on the proposed zoning district boundary change and for which said notice is given. (Ord. 2012, 7-6-1981)

CHAPTER 15

ANNEXATION REGULATIONS

SECTION:

10-15-1: Commission Recommendation Required

10-15-2: Public Hearing

10-15-1: COMMISSION RECOMMENDATION REQUIRED:

Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area. The council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the commission. (Ord. 2012, 7-6-1981)

10-15-2: PUBLIC HEARING:

(A) The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

(B) 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 proposal with its recommendations to the council. (Ord. 3091, 3-2-2015)

(C) The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission.

Following the hearing of the council, if the council makes a material change in the plan or zone, further notice and hearing shall be provided before the council adopts the plan or zone

(D) Concurrently or immediately following the adoption of an ordinance of annexation, the council shall amend the planning and zoning regulations as shall be found to be necessary. (Ord. 2012, 7-6-1981)

CHAPTER 16

VACATIONS AND DEDICATIONS

SECTION:

10-16-1: Petition Procedure

10-16-2: Publication and Filing Costs

10-16-1: PETITION PROCEDURE:

(A) Petition Required: Any property owner desiring to vacate an existing subdivision, plat or part thereof or within one mile of the boundaries of the City, or within the City "area of impact", public right of way or easement, or desiring to dedicate a street right of way or easement shall complete and file a petition with the Administrator.

(B) The petition for vacation shall set forth the particular circumstances of the request to vacate; contain a legal description of the platted area or property to be vacated and the names of the persons affected thereby. In the case where lots have been sold in a platted area, the petition should include an acknowledged written statement from each of the owners of the aforesaid sold lots indicating whether or not they are in agreement with the proposed vacation.

(C) Administration Action: Upon receipt of the completed petition, the Administrator shall affix the date of petition acceptance thereon. The Administrator shall place the petition on the agenda for consideration at the next regular meeting of the Commission.

(D) Public Hearing: The Commission shall hold a public hearing and make recommendations on all petitions for vacation of an existing subdivision, plat or part thereof inside or within one mile of the boundaries of the City, or within the City "area of impact", and notice of said public hearing shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of the public hearing to all property owners within three hundred feet (300') of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) consecutive weeks in the official newspaper of the City, the last of which shall not be less than seven (7) days prior to the date of said hearing.

(E) Commission Recommendation: Within sixty (60) days from the receipt of the petition for vacation, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

(F) Action by Council: The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a Quit Claim Deed for the vacated rights of way in such proportions as are prescribed by law.

(G) Petition for dedication shall set forth the particular circumstances of the request to dedicate; contain a legal description of the property to be dedicated and the names of the persons affected thereby.

(H) No Commission action is required for dedication.

(I) Council Action: When considering a petition for dedication procedures, the Council may approve, deny or modify the petition. When a dedication is approved, the required street improvements shall be constructed or a bond furnished, assuring the construction, prior to acceptance of the dedication. To complete the acceptance of any dedication of the land, the owner shall furnish to the Council a deed describing and conveying such lands to be recorded with the County Recorder.

10-16-2: PUBLICATION AND FILING COSTS:

All publications and filing costs shall be at the expense of the petitioner. (Ord. 2012, 7-6-81)

	A	B	C
1	Use or Item	Definition	Use Category
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
3	ACCESS EASEMENT	An easement across one or more adjacent properties to allow vehicular access to an otherwise inaccessible area at any time.	0
4	ACCESSORY Building	A <i>Building</i> that is incidental and subordinate to the principal allowed use of a property and located on the same lot as the principal allowed use. Commonly described as: car port, deck, covered patio, garage, garden shed, tool shed, shop, and other similarly described terms.	10
5	ACCESSORY USE	A use that is incidental and subordinate to the principal allowed use of a property and located on the same lot or property as the principal allowed use.	0
6	Addiction Treatment Facility	An establishment or facility used primarily for the purposes of temporary inpatient treatment of individuals recovering or suffering from alcohol, drug, substance or other addictions. This Definition excludes "Group Homes" as defined herein.	5
7	Administrative or Professional Office - Major	A facility or establishment designed, or primarily intended, for occupancy of fifty (50) or more persons to transact the clerical affairs of a business, industry, service, profession or other organization. This definition does not include offices otherwise defined herein, or offices incidental and accessory to another business, or sales activity, that is the principal use.	8
8	Administrative or Professional Office - Minor	A facility or establishment designed, or primarily intended, for occupancy of forty-nine (49) or fewer persons to transact the clerical affairs of a business, industry, service, profession or other organization. This definition does not include offices otherwise defined herein, or offices incidental and accessory to another business, or sales activity, that is the principal use.	8
9	ADMINISTRATOR	Planning and Zoning Director, or their designatee.	0
10	Adult Establishments	Any Business which falls under Idaho State Statute 67-6533 or as amended.	11
11	Agricultural	Farming, including plowing, tillage, cropping, storage, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products; grazing or raising of livestock (except dairies and feed lots); aquaculture, sod production; orchards; Christmas tree plantations; nurseries; and cultivation of natural products as part of a recognized commercial enterprise.	1
12	Agritourism Activity	An accessory use/secondary activity carried out on an active farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic, cultural, on-site educational farming programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, farm animal petting zoos, short term farm festivals, corn mazes, "harvest-your-own" events, hayrides, barn parties, horseback riding, fee fishing and camping. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.	1
13	Airport Supplemental Uses	Land uses on Joslin Field, Magic Valley Regional Airport that support and/or supplement the fundamental operations and services of the airport.	11
14	Airport/Heliport	Any area of land or water used or intended for landing, takeoff, or maintenance of aircraft, including appurtenant area used or intended for airport buildings, facilities, and rights of way.	11
15	ALLEY	See definition of Street. A right-of-way, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public pedestrian, vehicular or utility access.	0
16	APPLIANCE REPAIR	The repair of a household or office device operated by natural gas or electrical current, or mechanical means.	4
17	ARCHITECTURAL PROJECTION	Any projection which is not intended for occupancy and which extends horizontally beyond the face of an exterior wall of a building, but shall not include signs. Examples of such projections are cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, etc. For carports or canopies the architectural projection shall be measured from the support posts unless said posts are located more than three feet (3') from the outer edge of the carport or canopy roof. In such case a maximum of three feet (3') shall be considered the architectural projection.	0
18	AREA OF IMPACT	The area surrounding the city as established by mutual agreement with the county in conformance with state law.	0
19	AREA OF SPECIAL FLOOD HAZARD	The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.	0

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
20	Artisan's Workshop - Minor	Establishments primarily engaged in the preparation, display, and direct retail of individually crafted artwork or other goods by the use of hand tools or consumer grade mechanical equipment. Such uses include small scale businesses creating artwork, furniture, jewelry, pottery, and similar items.	4
21	Artisan's Workshop - Major	Establishments primarily engaged in the preparation, display, and direct retail of individually crafted artwork or other goods by the use of hand tools or consumer grade mechanical equipment. Such uses include small scale businesses creating artwork, furniture, jewelry, pottery, and similar items. This definition includes any use which involves "classified areas" as defined in the current Building Code. This definition excludes uses involving assembly line or automated production equipment.	4
22	Assembly	An establishment or premises used for the gathering of persons for various functions.	2
23	Assisted Care / Living Facility - MAJOR	Any facility licensed and/or certified by the state, which provides mental or physical health services for sixteen (16) or more individuals for illness, disease, physical or mental infirmity. This Definition excludes "Group Homes" and "Certified Family Homes" as defined by State Statute; or hospitals, emergency rooms, or medical clinics.	5
24	Assisted Care / Living Facility MINOR	Any facility licensed and/or certified by the state, which provides mental or physical health services for three (3) to fifteen (15) individuals for illness, disease, physical or mental infirmity. This Definition excludes "Group Homes" and "Certified Family Homes" as defined by State Statute; or hospitals, emergency rooms, or medical clinics.	
25	Athletic Arena or Stadium	An area generally used for sporting events such as baseball, basketball, football, rodeo, soccer, swimming, tennis, or other competitions; facilities may have improved seating facilities for spectators, PA System, and or lighting.	9
26	Auction Services and/or Public Sales Establishment	A location or business primarily used for the public sale of equipment, goods, merchandise, vehicles or wares to the highest bidder.	4
27	Auto and Automobile	See <i>Vehicle</i> , and other related definitions.	0
28	Bar	An establishment primarily designed for serving alcoholic drinks (after obtaining the proper licensing), typically offering other nighttime entertainment including but not limited to: music, dancing, billiards, darts and similar social games.	4
29	Barber Shop/Beauty Salon/MediSpa	Any establishment or place of business within which the practice of barbering, cosmetology, permanent makeup, or other personal health treatments are engaged in or carried on by one or more aestheticians, barbers, cosmetologist, massage therapists, or similar licensed professionals. Excludes any practice including surgery or other medical practice otherwise defined.	4
30	BASE FLOOD	The flood having a one percent (1%) chance of being equaled or exceeded in any given year.	0
31	BASEMENT	A portion of living space in a dwelling unit all or at least one-half (1/2) of its height below the average level of the adjoining ground.	0
32	Bed & Breakfast Facility	A small scale lodging establishment providing between 4 to 7 guest rooms. Owner or operator occupied.	7
33	BEST MANAGEMENT PRACTICES (BMPs)	Those methods, or practices to prevent or reduce water pollution and include, but are not limited to, structural and nonstructural controls, and operation and maintenance procedures. BMPs can be applied before, during, and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters.	0
34	BLOCK	A group of lots, tracts or parcels within well defined boundaries, usually streets.	0
35	Body Art Studio	An establishment where the practice of physical body adornment by artists using but not limited to the techniques of body piercing and tattooing. (This definition excludes those establishments offering Ear Piercing exclusively.)	4
36	Botanical Gardens and Arboretums	A public or private facility, where admittance may or may not be fee based, for the demonstration and observation of the cultivation of flowers, fruits, vegetables, ornamental plants, or other vegetation, which is maintained by a trained/certified professional. (This definition excludes residential gardens incidental, or accessory, to dwelling units.)	2
37	BUILDING	Any structure having a roof supported by columns or by walls and intended or used for shelter, housing or enclosure of persons, animals, plants, chattels, or property of any kind.	0
38	BUILDING LINE	See definition of Line, Building.	0
39	BUILDING OFFICIAL	The building official or other city employee appointed by the City Manager.	0
40	Bus Terminal	A location of multiple originating or terminating transit routes, where passengers board or alight/disembark transit buses.	11

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
41	Campground or Recreational Vehicle Park	Any area that is designed or improved for occupancy by visitors or transients using recreational vehicles, motor homes, mobile trailers, or fabric tents for temporary lodging, or sleeping purposes. This definition excludes manufactured housing communities.	7
42	CANYON RIM	The point below which the final slope toward Rock Creek or the Snake River exceeds thirty percent (30%) for a distance of ten (10) or more feet. The "final slope", as the term is used herein, excludes minor breaks in the canyon wall which have a slope of less than thirty percent (30%) but are: a) inaccessible from existing streets, and/or b) less than one hundred feet (100') in width. There may be multiple rims meeting this definition, and the requirements of the canyon rims overlay district apply to all such rims. The location of the rim shall be determined before any excavation or grading preparatory to development occurs. Any developer may, prior to filing an application for approval, request that the city engineer delineate the rim on his or her property.	0
43	CANYON RIM SETBACK	The shortest distance between the canyon rim and the exterior wall, or support post, of any building for which a canyon rim setback is required.	0
44	Car Wash	A facility or establishment designed for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment, either through a mechanical or production line process, or by hand with equipment provided on-site.	4
45	CEMETERY	Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.	3
46	Centralized Sewer Facilities	Large-scale public sewer systems (municipal wastewater treatment plants) are centralized systems.	0
47	Centralized Water Facilities	Large-scale public water systems (municipal water sources and distribution lines) are centralized systems.	0
48	Certified Family Home		
49	Certified Landscaping Installer		
50	CHANGE OF USE	A change of use from one <i>Land Use Category</i> to another.	0
51	CITY	The City of Twin Falls.	0
52	CITY MANAGER	The City Manager, or their designee.	0
53	College, University, Trade, or Private Boarding School	An institution dedicated to the education of students at the respective level of the institution, where the students generally live on or near the institution's campus, and pay for the course they attend.	3
54	COMMERCIAL USE	A structure or area used or intended for the selling, bartering or swapping of any merchandise, commodities, objects or the rendering of services to the general public. Dwelling - Multi Unit Uses (5 Units or more) are included in this definition. Home Occupations are exempted from this definition.	0
55	COMMISSION	The City of Twin Falls Planning and Zoning Commission.	0
56	COMMON WALL	A wall located upon or at the division line between adjoining premises and use, intended to be used or available to be used by both owners of such premises in the construction or maintenance of improvements on their respective properties.	0
57	COMMON, INTEREST IN	Every interest created in favor of several persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes or unless declared in its creation to be a joint interest or unless acquired as community property.	0
58	Community Garden	A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or household.	1
59	COMPREHENSIVE PLAN	The policy document that guides the planning and zoning decisions of the City of Twin Falls. The comprehensive considers previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for various planning components.	0
60	Conditional Use Permit		
61	CONDOMINIUM OWNERSHIP	An estate consisting of: a) an undivided interest in common in real property in an interest or interests in real property or in any combination thereof, together with b) a separate interest in real property, in an interest or interests in real property, or any combination thereof.	0
62	CONDOMINIUM PLAT	The drawing of a division of real property into individual interests in common together with a separate interest in the real property for the purpose of establishing condominium ownership together with the declaration that is filed according to law with the county recorder.	0

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
63	Convention Center	A facility designed to accommodate 500 or more persons used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions; along with accessory functions including temporary displays, food and beverage preparation and service.	2
64	COUNCIL	The City of Twin Falls City Council.	0
65	COUNTY	Twin Falls County, Idaho and its governing board.	0
66	COVENANT	A written promise or pledge.	0
67	Crematorium	An enclosed facility wherein human or animal remains are cremated in a cremation chamber (retort of a crematory).	6
68	Customer Area		
69	Daycare Business	The care and supervision, provided for compensation, during part of a day, for a child or children not related by blood or marriage to the owner of the daycare business, in a place other than the child's own home. This term includes preschools, nursery schools, play schools, kindercare and any like or similar operation. Daycare businesses are categorized as "centers", "facilities" or "homes", as defined in this section, according to Idaho health and welfare regulations.	0
70	Daycare Center	A <i>Daycare Business</i> providing care for thirteen (13) or more children on the premises at any one time. A daycare center is required to be licensed by the Idaho department of health and welfare.	5
71	Daycare Facility	A <i>Daycare Business</i> providing care for no more than twelve (12) children on the premises at any one time and having not more than two (2) employees. Required by Idaho State Law to have a fire inspection.	5
72	Daycare Home	A <i>Daycare Business</i> providing care for six (6) or fewer children on the premises at any one time, having not more than one employee in addition to the owner/operator, and operating between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M.	5
73	DEDICATION	The setting apart of land or interest in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the local governing authority.	0
74	Detention Center	A facility established in conjunction with a law enforcement or public safety building, used primarily for the detention of adult or juvenile persons while being processed for arrest or detention by law enforcement.	3
75	DEVELOPED	Property for which a certificate of occupancy, or letter of completion, has been issued to occupy a building on the property and/or where any <i>Required Improvements</i> have been made on the private property.	0
76	DEVELOPER	The owner, or his legally authorized agent, of lands that are being platted, mapped, or developed.	0
77	DEVELOPMENT	Lands within the boundaries of an area that is platted or mapped in accordance with this title that are intended to be improved by the construction or addition of buildings or other structures; by mining, dredging, filling, grading, paving, excavation or drilling.	0
78	DORMITORY	A building specifically designed for a long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.	7
79	Drive-Thru	An area or location intended to be used for sales and/or services to patrons who remain in their vehicles.	4
80	Dry Cleaning/Laundering Plant	A building, portion of a building, or a premises used, or intended to be used, for cleaning of apparel, clothing, fabrics, textiles, or other articles of any sort. Such cleaning method may or may not involve volatile solvents including, but not limited to solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and any other incidental process or chemical.	4
81	Dry Cleaning/Laundering Service	An establishment or business maintained for the pickup and delivery of items, materials or laundry, without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises.	4
82	Dwelling - Live/Work Unit	A dwelling unit located within the same building as the primary non-residential land use of the property.	10
83	Dwelling UNIT	Space within a building designed with permanent cooking, sleeping and sanitation needs of one Household.	0
84	Dwelling units existing at the time this Title was adopted	A residential unit that was built, constructed or existed prior to the adoption of Ordinance #2012 (AD 1981)	10

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
85	Dwellings - Accessory Dwelling Unit (ADU)	A dwelling unit, located on the same property as the primary residence; either attached or detached and may or may not have direct access to or from the primary dwelling.	10
86	Dwellings - Attached Single Dwelling Unit (Townhouse)	A Building containing one (1) dwelling unit , built on a separate lot or parcel, sharing one or more common walls.	10
87	Dwellings - Detached Single Dwelling Unit	A Building containing one (1) dwelling unit, built on a separate lot or parcel, separated from other dwelling units by a Yard on all four (4) sides.	10
88	DWELLINGS-- MULTI- Dwelling Unit	A Building containing three (3) or more <i>Dwelling Units</i> designed for <i>Households</i> living independently of each other.	10
89	DWELLINGS - TWO Dwelling Unit	A building containing two (2) dwelling units designed exclusively for occupancy for two (2) households living independently of each other.	10
90	EASEMENT	A right of use for a stated purpose, falling short of ownership, granted by a property owner to the public or to another person and restricting the property owner's use of the property.	0
91	Electric Power Generating Plant	A facility, regardless of fuel or energy source, whose primary function is the creation of electricity to any electrical distribution system or transmission grid.	6
92	Emergency Service Stations	A facility or premises which houses: communication equipment, emergency response personnel, equipment, gear, vehicles, and any other items pertinent to the protection of the health, safety and welfare of the general public.	3
93	ENGINEER	A professional engineer registered in the state of Idaho.	0
94	EQUESTRIANWAY	A public way designed to be used for horseback riding.	0
95	Equipment and Machinery, Major	High-capacity mechanical devices for moving earth or other materials, and/or mobile power units including but not limited to: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyers, harvesters, combines, or other major agricultural equipment/implements, and similar devices operated by mechanical power, as distinguished from manpower.	4
96	Equipment and Machinery, Minor	Bulky nonvehicular items, for agricultural, commercial, construction, or industrial purposes which individually can be transported in or with a common passenger vehicle. Such items include but are not limited to: barrels, construction or mechanical hand tools, lawn and garden equipment, party supplies and similar goods and equipment.	4
97	Event Center - Major	A facility designed to accommodate between 100 and 500 people used for conferences, seminars, product displays, recreation activities, and/or entertainment functions, along with accessory functions including temporary outdoor displays, food, and beverage preparation; and service for on-premises consumption. This definition excludes "Night Club."	2
98	Event Center - Minor	A facility designed to accommodate fewer than 100 people used for conferences, seminars, special occasion gatherings, and other similar gatherings on a commercial basis. Accessory functions include food, and beverage preparation and service for on-premises consumption. This definition excludes "Night Club."	2
99	FAÇADE MOUNTED	Directly attached or affixed to the elevation of a building, tank, or other structure.	0
100	FARM	An area being primarily used for the purpose of producing food, fiber, seed stock, fodder or oil producing crops.	1
101	Farm – animals on pasture	Any premises on which a primary use is the breeding, raising, or maintaining of animals for sale or where the primary income from the premises is derived from such uses. This definition excludes Poultry or Pigs.	1
102	Farm – plants and trees	Any premises on which a primary use is the growing of crops, flowers, plants, or trees, for off-premise consumption, use, or sale.	1
103	FEEDLOTS AND DAIRIES	A parcel, or parcels of land under the same ownership or management, with more than five (5) animals per acre or a total of fifty (50) animals, whichever is less.	1
104	Financial Institution	An establishment which the primary function is to advise, hold, invest, loan (secured), save, or transfer monies for individuals or other establishments. Such establishments may include but are not limited to banks, credit unions, savings and loan offices, and mortgage loan offices. Automated teller machines (ATMs) are considered accessory to the primary business. This definition does not include payday, cash advance or check advance loan service establishments.	4
105	FINISH FLOOR	Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "finish floor".	0
106	Fish Hatchery	Any property on which a primary use is the hatching and raising of fish for the purpose of harvesting and sale. This definition excludes recreational fishing operations.	1

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
107	FLOOD PLAIN REGULATIONS	The codes, ordinances and other regulations relating to the use of land and construction within the channel and flood plain areas, including zoning ordinances, subdivision regulations, building codes, housing codes, setback requirements, open area regulations and similar methods of control affecting the use and development of the areas.	0
108	Food Processing	Any facility or premises primarily engaged in producing food or seed products by way of the <i>Manufacturing Process</i> .	6
109	Food Products	A substance that can be used or prepared for use as food for human or animal consumption.	0
110	FRONT	The front of a building shall be the wall so designated by the building official which best conforms to the intent of this title. The front property line shall be the lot line most nearly parallel to the front of a building. In designating the front of a building, the administrator shall base their decision on the location of the door which provides the principal access into the building and/or the location of the traffic way which provides the principal access to the property. The decision of the administrator may be appealed.	0
111	FRONTAGE, ENTIRE	All the property fronting on one side of a street between intersecting streets, or between a street and right of way, waterway, end of dead end street or city boundary, measured along the street line. An intersecting street shall determine only the boundary of the frontage on the side of the street which it intersects.	0
112	Fuel Pumps	A pump, generally located at a fueling station or point, which is used to fill a vehicle's fuel tank.	0
113	Fuel sales (bulk)	Any establishment or premises primarily engaged in the storage and sale of large (Semi Truck/Tanker) quantities of fuel to end users or distributors.	6
114	Fuel/Charging Station	An establishment which sells fuel for vehicles or a location which provides an electrical hook-up for charging electric vehicles.	4
115	Fuel/Charging Station Store	A retail store that has the primary use of facilitating vehicle fuel and charging sales, however other products such as groceries, snack foods, beer and wine to consume off-site, tobacco products, and toiletries are also sold. This definition does not include "Truck Stop", "Car Wash", or "Vehicle Repair Services".	4
116	Fun Center - Major	A facility or establishment primarily designed for entertainment activities with a total occupant load of fifty (50) individuals or more, or provides any activities outdoors (such activities include, but are not limited to: billiards, bingo, bowling, card/poker games, darts, escape/puzzle rooms, ice or roller skating, swimming and video arcades/virtual reality simulators).	9
117	Fun Center - Minor	A facility or establishment primarily designed for entertainment activities with a total occupant load of forty-nine (49) individuals or less and entirely indoors (such activities include, but are not limited to: billiards, bingo, bowling, card/poker games, darts, escape/puzzle rooms, ice or roller skating, swimming and video arcades/virtual reality simulators).	9
118	Fun Park	An establishment, location, or premises where three (3) or more of the following take place on the same or adjacent properties: amusement rides, Fun Center (Major/Minor), Go-Carts, Miniature Golf Course, Zip Lines, or other similar activities.	9
119	Funeral Chapel	An establishment which provides space for human funeral services, but which does not contain facilities for the preparation, cremation or storage of human remains. See also " <i>Mortuary</i> ".	2
120	Furniture/Upholstery Repair	The fixing, mending or reconditioning of furniture, such as chairs, desks, tables or other items used to make a house or office suitable for living or working.	4
121	Gasoline Stations	See Fuel/Charging Station	4
122	Golf Course - Miniature	See Miniature Golf Course	9
123	Golf Course/Country Club	An establishment or facility for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms, and which may include, swimming, outdoor recreation, related retail sales, restaurant and cocktail lounge. This definition excludes miniature golf course.	9
124	Golf Driving Range	An establishment or facility equipped with distance markers, clubs, balls, and tees for practicing golf skills, and which may include a snack-bar and proshop. This definition excludes miniature golf course.	9
125	GOVERNMENT FACILITIES	Facilities owned, operated, or maintained by a Public agency for the benefit of the general population.	0
126	Grain & Seed Processing	See <i>Food Processing</i>	6

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
127	Group Home	Any group residence in which eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age related infirmity, including resident staff. No more than two (2) of such staff shall reside in the dwelling at one time. This definition shall be consistent with Idaho State Statute 67-6531 or as amended.	10
128	Gun Club	See <i>Sport Shooting Range</i>	9
129	Gym	See <i>Health/Fitness Facility</i>	4
130	Handcrafted Furniture	Furniture which is created by a craftsman and/or apprentices using hand tools and not in or by an assembly line or a mechanized process or industrial machines.	0
131	Hazardous Materials	Any item, material, or product classified hazardous by the Twin Falls Fire Marshal.	0
132	Health/Fitness Facility - Major	An establishment or facility primarily designed for patrons to use equipment or space for the purpose of physical exercise or training; with a total maximum occupant load of fifty (50) individuals or more.	4
133	Health/Fitness Facility - Minor	An establishment or facility primarily designed for patrons to use equipment or space for the purpose of physical exercise or training under the direction/supervision of a coach or trainer; with a total maximum occupant load of forty-nine (49) individuals or less.	4
134	HEIGHT	The total vertical distance measured from the average elevation of the natural grade of the building pad or structural footprint.	0
135	Heliport	See <i>Airport/Heliport</i>	11
136	Helistop	A facility, accessory to a primary use, for boarding, landing and discharging passengers and/or cargo. A helistop does not include refueling or maintenance but may include a storage facility for one (1) helicopter.	11
137	HIGHWAY	A street designated as a highway by an appropriate state or federal agency.	0
138	HOME OCCUPATION	A service, excluding daycare, offered by the resident of a household unit; or the sale of items handcrafted on the premises by the resident of a household unit; providing the service, sale or handcrafting is performed only by the resident therein and providing the area used in performing the home occupation does not exceed four hundred (400) square feet in area and providing there is no exterior indication of the home occupation. Services which generate no traffic to the premises and for which use no vehicles which would not normally be found incidental to a residential use shall be exempt from this definition.	8
139	HOSPITAL	An institution providing comprehensive health care services, primarily for inpatient and medical or surgical care of the sick or injured, including outpatient departments, training facilities, central service facilities and staff offices.	5
140	HOTEL	Any building containing more than 8 <i>Sleeping Units</i> designed to be rented or hired out by guests where all units are accessed by an internal hallway.	7
141	HOUSEHOLD	An individual, or two (2) or more individuals related by blood, marriage, legal adoption or guardianship, or a group of four (4) or less persons who are unrelated and reside together for more than thirty (30) days.	0
142	Idaho Licensed Design Professional	A individual with a current liscence to practice their profession as an engineer, architect, or landscape architect.	0
143	IMPROVEMENT	Any alteration to the land or other physical construction associated with subdivision and building site developments; including, but not limited to: grading, asphalt/concrete parking or access, curb, gutter, sidewalk, landscaping, water/sewer/stormwater lines.	0
144	Indoor	Within a building, or structure which has a roof, and which is enclosed on at least 85 percent of its perimeter with solid exterior walls/doors.	0
145	Industrial USE	The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery, the disassembly or deconstruction of materials, or any establishment or premises engaged in the <i>Manufacturing Process</i> . Or any use which is located in this category on the Land Use Charts. This definition excludes home occupations, activities creating products in which the process does not yield any vapor, liquid or solid waste materials, and <i>Artisan Workshops</i> .	0
146	ISPMC	Idaho State Public Works Construction	
147	Judicial Facility	A facility or establishment, with ancillary facilities such as court rooms, meeting rooms, and offices, where judicial proceedings take place, including temporary holding facilities for individuals who require detainment.	3
148	Junkyard	See " Wrecking, Salvage, and Junk Yards"	6
149	Kennel	Any lot, building, structure, enclosure or premises where more than four (4) dogs or four (4) cats over the age of four (4) months are raised, kept, housed, or boarded, excluding Licensed Veterinary Clinic.	1

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
150	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	6
151	LATTICE TOWER	A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section. Roof mounted towers not exceeding two feet (2') in width in any cross section and not exceeding fifty feet (50') in height shall not be considered lattice towers.	0
152	Laundromat, Self Serve	An establishment which provides equipment such as washing mashines and dryers, where individuals can launder personal property, where water is the main solution and no chemicals are utilized in the process, as with dry cleaning.	4
153	LESSEE	A person holding a legally enforceable lease, a tenant.	0
154	Library	A public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films are kept for use by, or loaning to, patrons of the facility, but are not normally offered for sale.	3
155	LINE, BUILDING	One of four (4) perpendicular lines established by the adminstrator for the purpose of measuring setbacks. The lines shall be established parallel to the predominate building walls and shall pass through the most exterior point on the building walls, excluding architectural features not intended for occupancy.	0
156	LINE, PROPERTY	The legal boundary of a parcel of real property.	0
157	Livestock Sales	A commercial establishment wherein livestock is collected for sale or auctioning	1
158	LOADING SPACE	An off street space on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials; and which abuts upon a street, alley or other appropriate means of access.	0
159	LOT	Unless otherwise defined, a parcel of land, legally recognized, with sufficient size to meet the minimum requirements of this title for use, dimensional standards and off street parking and which is owned by a single person with a separate interest or a group of persons with a separate interest together with an interest in common in the real property.	0
160	LOT AREA	The total area of a lot measured on a horizontal plane within the boundary lines exclusive of public and private roads, and easements of access to other property.	0
161	LOT, CONDOMINIUM	For the purposes of a condominium, a lot shall be the farthest exterior boundary of the real property upon which the project is situated.	0
162	LOT, CORNER	A lot situated at the intersection of two (2) or more streets.	0
163	LOT, DEPTH	The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.	0
164	LOT, INTERIOR	A lot other than a corner lot.	0
165	LOT, PLATTED	A lot or individual parcel shown on a plat.	0
166	Machine Shop	A facility, or building, where wood and metal working machines are used; such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and mechanical/engine overhaul or repair shops. This definition includes businesses where the Machine Shop is the primary function, as well as businesses which utilize a Machine Shop as an accessory/subordinate use.	6
167	MAINTENANCE EASEMENT	An easement granted for the purpose of providing access for repair and maintenance of appurtenant property.	0
168	MANAGEMENT BODY	A person or group of persons created in accordance with this title to manage a development and maintain all common areas.	0
169	MANUFACTURED HOME	Per Idaho Statute 39-4105-(8): a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq.	0
170	Manufactured homes sales	An establishment which displays and sells dwelling units which fall under the manufactured home definition found herein.	4

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
171	Manufacturing Process	Subjecting natural resources to some special process or treatment which changes the physical state or chemical composition of matter, the second step in use of a natural resource; examples include petroleum refining, retorting and refining, ore smelting, coal crushing and cleaning, saw mill, alfalfa pellet mills, food bottling/canning/packaging. Mass production or creation of glass, ceramic, or plastic materials; gravel crushing, cement manufacture, asphalt or concrete batch plants also included.	0
172	Manufacturing, Heavy	Establishments or premises engaged in the <i>Manufacturing Process</i> . Any activity or process engaged in the storage of <i>Hazardous Materials</i> needed for the manufacturing process.	6
173	Manufacturing, Light	The manufacture, predominantly from previously prepared materials, of finished products or parts, including fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products.	6
174	Manufacturing, Medium	Establishments or premises engaged in the <i>Manufacturing Process</i> which do not engage in the storage of <i>Hazardous Materials</i> needed for the manufacturing process.	6
175	Medical Clinic, Major	An establishment where patients are admitted for examination or treatment by physicians, dentists, other health care professionals, or similar professions; where the business operates outside <i>Normal Business Hours</i> , otherwise known as an In-patient Clinic	5
176	Medical Clinic, Minor	An establishment where patients are admitted for examination or treatment by physicians, dentists, other health care professionals, or similar professions and where the business operates within <i>Normal Business Hours</i> . Otherwise known as an Out-patient Clinic.	5
177	Mineral Extraction	The exploration for or extraction of surface or subterranean compounds and materials; this includes oil and gas exploration and production, and/or the mining of metallic and nonmetallic minerals, sand, gravel, and rock.	6
178	MOBILE HOME	ID State Statute 39-4105 (9); a factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.	0
179	MOBILE HOME PARK	Any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating two (2) or more mobile/manufactured homes for dwelling purposes.	10
180	MONUMENT	Any permanent marker either of concrete, galvanized iron pipe, or iron steel rods, used to identify any tract, parcel, lot or street lines, as specified in Idaho Code.	0
181	Mortuary	An establishment which provides space for human funeral services, and may contain facilities for the preparation, cremation, or temporary storage of human remains.	4
182	Motel	Any building containing more than 8 <i>Sleeping Units</i> designed to be rented or hired out by guests where all units are accessed by external walkways.	7
183	Municipality	The City of Twin Falls	0
184	Museum/ Learning Center - Major (>100)	A building, facility, or institution designed to accommodate more than 100 people which is devoted to the procurement, care, study, and exhibition of books, art, and/or other objects of historical or scientific value. Such as Aquarium, Planetarium, Childrens Exploration Center, and other similar uses.	2
185	Museum/ Learning Center - Minor (<100)	A building, facility, or institution designed to accommodate 100 or fewer people which is devoted to the procurement, care, study, and exhibition of books, art, and/or other objects of historical or scientific value. Such as Aquarium, Planetarium, Childrens Exploration Center, and other similar uses.	2
186	Night Club	An establishment which is designed, or intended, to provide floor space used for the purposes of recreational dancing; usually projecting loud music, where admission or cover charge can be directly collected, or some other form of compensation is obtained. May or may not serve alcohol, provided the proper licenses are obtained.	4
187	NONCONFORMING BUILDING	A building or structure not conforming to the provisions of this title but which was lawfully existing or under construction at the time of the adoption of this title.	0
188	NONCONFORMING USE	A use not conforming to the provisions of this title but which was lawfully existing at the time of adoption of this title.	0
189	NONRESIDENTIAL USE	Any structure, activity, or use not included in the definition of "residential use" contained in this section.	0
190	Normal Business Hours	Between 7:00 AM and 10:00 PM	0
191	Nursery – Major	The growing, storage, and/or sale of ground cover (bark, rock, ect), plants, shrubs, soils, trees, vines, or other similar materials, in bulk or wholesale volumes, including the use of a <i>Storage Yard</i> .	1

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
192	Nursery – Minor	The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer. This definition excludes establishments with a <i>Storage Yard</i> .	1 or 4
193	Occupant Load	The number of persons for which the means of egress of a building or portion thereof is designed	
194	OFF PREMISES SIGN	A sign mounted on property other than that occupied by the use being advertised by said sign. This definition shall exclude signs located within an approved ZDA advertising a nonresidential use or nonresidential uses located within that ZDA and approved as part of a master sign plan through the ZDA process.	0
195	ON PREMISES SIGN	A sign mounted on property that is occupied by the use being advertised by said sign.	0
196	Open Air Market	An establishment or premises designed to accommodate an open area where individuals, or groups of individual sellers, offer various items for sale to the public. Commonly referred to as a Farmers Market or Flea Market. This definition excludes Rummage and Garage Sales.	4
197	ORIGINAL PARCEL OF LAND	A lot or tract as recorded on any plat or record on file in the office of the county recorder, or an unplatted contiguous parcel of land held in one ownership and of record at the effective date hereof. In cases of "unrecorded matters of fact", the commission shall use its best judgment to determine a fair designation.	0
198	OWNER	Any person or group of persons having legal title to real property which is subject to this title.	0
199	Paint Booth	A booth or other area which has been designed, or used, for the primary purpose of applying paint, powdercoat, laquer, or similar materials to furniture, parts, vehicles, or other items for commercial purposes.	4
200	Park	Any parcel or parcels of land available for the benefit of the patrons or the general public for athletic, cultural, educational, active/passive recreational uses. May or may not contain <i>Athletic Arena, Field, or Stadium</i> .	0
201	Parking Lot	An area, excluding a street or other public way, which the primary use is to contain <i>Parking Spaces</i> for licensed vehicles on a temporary basis, and available whether for free or for compensation. Parking Lots shall be accessory to a primary land use.	0
202	PARKING SPACE	An enclosed or unenclosed surfaced area, together with access and maneuvering space sufficient to permit a standard automobile to be parked within the surfaced area, permanently reserved for the temporary parking of one vehicle. The size of said space to meet the <i>Minimum Standards for Parking Lot Design</i> found herein.	0
203	Parking Structure	A multi-level structure designed to accommodate vehicular parking spaces.	11
204	Pawnshop	An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property.	4
205	Payday Loan / Check Cashing Service	An establishment primarily engaged in the providing loans to individuals in exchange for personal checks as collateral.	4
206	PEDESTRIANWAY	A public way designed to be used as a walkway for pedestrians.	0
207	PERFORMANCE BOND	An amount of money or other negotiable security paid by the subdivider, or his surety, to the City which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.	0
208	PERMANENT	More than six (6) months.	0
209	PERSON	Any individual or any corporation, joint venture, limited partnership, partnership, firm, association, trustee or other similar entity or organization.	0
210	Pet Grooming	A business or entity engaged in the practice of cleaning, grooming, and/or maintaining the appearance of pets for customers.	4
211	Photography studios	An establishment or workspace designed primarily to take, develop, print and duplicate photographs. Typically owner operated, smaller in scale, not containing commercial grade or large machinery for developing large volumes of photographs.	4
212	PLAT	The drawings, certifications, descriptions and approvals of a division or proposed division of real property into two (2) or more lots, blocks, parcels, sites, plots, units, common areas, limited common areas or other descriptive designations of real property for the purpose of offering for sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions to any person having a separate interest or an individual interest in common together with a separate interest in any or all of the real property, as set forth by Idaho Code, or as amended.	0

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
213	Playground	A recreational area containing one or more various play structures, courts, fields and similar apparatus. Not typically used for organized competitions.	9
214	PREMISES	A parcel of land, or contiguous parcels of land, with appurtenances, buildings, or structures, which are under one ownership or control.	0
215	Print Shop – Major	A facility which provides printing service for periodical and magazine type publications which require complex collating and binding and at a level or volume which requires a printing press.	4
216	Print Shop – Minor	A facility for the reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving.	4
217	PRIVATE	Belonging to an individual or group of persons, not by a public entity.	0
218	PROHIBITED SIGN	Signs that do not comply with this, or other applicable ordinances, and any sign otherwise prohibited within this title or other applicable ordinances.	0
219	PROJECT (CONDOMINIUM)	The entirety of the property divided or to be divided into condominiums.	0
220	PROPERTY (CONDOMINIUM)	The land described in the declaration recorded, together with any building, improvement or structure thereon, and every easement or right appurtenant thereto, and all personal property intended for use in connection therewith or for the use, benefit or enjoyment of the condominium owners.	0
221	PUBLIC	Federal, state, local government or political subdivisions thereof.	0
222	PUBLIC VIEW	A view from any public right of way or access easement.	0
223	PUBLIC WAY	Any right of way or easement dedicated or platted across real property owned by the person dedicating or platting the public way and intended for the general or special use of the public; or any right of way or easement legally obtained by the city through the use thereof providing such public way has not been vacated by the city council.	0
224	Pump Station - Irrigation	A facility, including pumps and equipment, which supplies water to a pressurized irrigation system.	11
225	Pump Station - Sewer	See <i>Sewer Lift Station</i>	11
226	Racetracks	A facility or premises containing a course designed, or primarily intended for participants to compete against one another, against time, or some other form of showmanship or competition using animals, vehicles, or other mechanical device. The competitions may include but are not limited to aerial, aquatic, asphalt (or other hard surface) or dirt tracks. This definition includes areas where participants train or practice for such events described above. This definition excludes <i>Track and Field</i> facilities associated with Schools.	6
227	REAL PROPERTY	Real estate consisting of: a) lands, possessory rights to land, ditch and water rights, and mining claims, both lode and placer; b) that which is affixed to land; and c) that which is appurtenant to land.	0
228	REAR	The rear of a building and rear property line shall be the wall and lot line most nearly parallel to the front wall and lot line.	0
229	Recycling Center	An establishment or premises primarily designed or intended for recyclable waste to be collected and sorted for processing. It may or may not be open to the public for personal deposit of recyclable materials. These facilities typically handle but are not limited to such materials as metals, plastics, paper, cardboard, wood, and organic waste.	6
230	Recycling Plant	A plant or establishment designed for reprocessing used or abandoned materials by manipulating or transforming the materials to a condition where they may be reused. This process typically occurs by means of the manufacturing process. (Excludes Wrecking, Salvage, or Junk Yards)	6
231	Religious Facility	A site used by a religious group primarily for religious worship and related religious services.	2
232	RESIDENTIAL USE	Any detached single-household, attached single-household, duplex, multi-household (4 units or less), agricultural, or other structure, activity, or use occupied or operated primarily to provide the cooking, sleeping, and sanitary needs of an individual or household. This definition includes those uses which are incidental and subordinate to the primary use of the property as a dwelling.	0
233	Restaurant	A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute a majority of the gross sales. May include Bakery's, Deli's, and similar common terms. Beer and Wine Sales by the drink are considered an accessory or incidental use to a Restaurant.	4
234	Retail Shop	An establishment or business whose primary function is the selling of goods, wares, or merchandise directly to the end consumer; with a designed occupant load of forty-nine (49) persons or less.	4

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
235	Retail Store - Major	An establishment or business whose primary function is the selling of goods, wares, or merchandise directly to the end consumer; with a designed occupant load of two hundred and one (201) persons or more.	4
236	Retail Store - Minor	An establishment or business whose primary function is the selling of goods, wares, or merchandise directly to the end consumer; with a designed occupant load between fifty (50) to two hundred (200) persons.	4
237	RIGHT OF WAY	A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks and other public utilities or service areas.	0
238	ROOF PROJECTIONS	Chimneys, smokestacks, church spires, flagpoles, radio and telecommunications facility or towers, masts, cooling towers, elevator shafts and other similar projections.	0
239	SCHOOL	Any facility or establishment providing full time instruction, including accessory facilities traditionally associated with a program of study, which meets the accreditation, licensing or requirements of the appropriate governing entity.	3
240	Seamstress/Tailor	An individual whose occupation is altering or repairing fabric or textile products.	4
241	Service Shop (Service - Minor)	An establishment or business whose primary function is the rendering of services or assistance, as opposed to a tangible product, directly to the end consumer; with an occupant load of forty-nine (49) persons or less. All activities shall take place indoors.	6
242	Service Store (Service - Major)	An establishment or business whose primary function is the rendering of services or assistance, as opposed to a tangible product, directly to the end consumer; with an occupant load of fifty (50) persons or more. This definition includes Service businesses where any activity takes place outdoors.	6
243	SETBACK	The distance from a property line, centerline, canyon rim, right of way, or structure within which a building is prohibited.	0
244	Sewage treatment plant	A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.	6
245	Sewer Lift Station	See "Utility Collection Facility"	6
246	Shelter home	A building or part of a building used for the temporary housing or relocation of abused, vulnerable, or homeless individuals. Qualified supervision and care shall be provided for those housed in the facility. This Definition excludes "Group Homes" as defined herein.	5
247	SIDE	The side of a building and side property line shall be the wall and lot line most nearly perpendicular to the front wall and lot line.	0
248	SIGN	Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. This definition includes the signs defined herein.	0
249	Skating Rink	An area designed primarily for the purpose of offering skating on ice, or other surface.	9
250	Slaughterhouse	An establishment or facility used for the purpose of slaughtering and/or packaging of meat for future sale or further processing.	6
251	Sleeping Unit	A room or space in which people sleep, which can also include permanent provision for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.	0
252	Smoking Lounge	An establishment primarily designed for smoking/vaping indoors.	4
253	Solar/Photovoltaic Panel	A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.	0
254	SPECIAL USE PERMIT	A permit granted by the commission for a use that is otherwise prohibited, but may be allowed under specific provisions when not in conflict with a comprehensive plan.	0
255	Sport Shooting Range	Shooting Range as defined by State Statute 55-2604, or as amended. (An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or an other similar sport shooting.	9
256	Stable, Commercial	An establishment primarily engaged in providing a building or premises where horses, ponies and/or other large animal, except dogs or cats, are sheltered, fed, and/or kept for hire.	1
257	STANDARD SPECIFICATIONS	The specifications as specified in this title or as officially adopted by the city.	0
258	STATE	State of Idaho.	0
259	Storage Facility, Self-service	An establishment primarily engaged in the business of renting self-contained units or spaces, within a building or structure, for the storage of private property on a temporary basis.	6
260	Storage Yard	An outdoor, or open air, yard used to store items, materials, merchandise, or other property of the business, or owner, that operates and maintains the yard. This definition excludes "Impound", "Wrecking, Salvage or Junk Yard", "Parking Lot", and "Vehicle/Equipment Storage Yard".	6

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
261	STORM WATER DETENTION FACILITY	Those methods or devices that temporarily collect and hold the stormwater runoff and release the water at a metered rate over time.	0
262	STORMWATER	Stormwater runoff, snowmelt, and surface runoff and drainage.	0
263	Stormwater RETENTION FACILITY	Those methods or devices that collect and hold the stormwater runoff for dissipation through infiltration and/or evaporation.	0
264	STREET	Provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, land, place and other such terms.	0
265	Street - (A) Alley	A minor street providing secondary access at the side or back of a property otherwise abutting a street.	0
266	Street - (B) Local	A street which has the primary purpose of providing access to abutting properties.	0
267	Street - (C) Collector	A street designated for the purpose of carrying traffic from local streets to other collector streets and/or arterial streets.	0
268	Street - (D) Arterial	A street designated for the purpose of carrying fast and/or heavy traffic.	0
269	Street - (E) Loop	A local street with both terminal points on the same street of origin.	0
270	Street - (F) Cul-De-Sac	A street connected to another street at one end only as provided with a turnaround space at its terminus.	0
271	Street - (G) Frontage	A local street parallel to and adjacent to an arterial street to provide access to abutting properties.	0
272	Street - (H) Partial	A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.	0
273	Street - (I) Stub Street	A street which terminates without provisions for a turnaround area.	0
274	Street - (J) Half Street	A street comprised of one-half (1/2) of the width required to conform with a standard city street section.	0
275	Street - (K) Private	A street constructed per the City of Twin Falls revisions to ISPWC that acts as a street that serves more than one parcel and is maintained by a non-public entity.	0
276	STREET GRADE	The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.	0
277	STRUCTURAL ALTERATIONS	Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.	0
278	STRUCTURE	Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards, but exclude utility poles and streetlights.	0
279	SUBDIVIDER	The individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient property rights in the property to represent the owner.	0
280	SUBDIVISION	The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which shall also include the dedication of public streets and other rights of way and the addition to, or creation of, a cemetery.	0
281	SURVEYOR	A land surveyor or professional engineer registered in the State of Idaho.	0
282	Swimming Pool	An artificial basin designed for the purpose of containing a body of water offering the possibility of use for swimming for fitness, leisure, or recreational purpose, which is not readily portable in design or construction.	0
283	Taxidermy studio	A building or facility where a taxidermist prepares, preserves, stuffs and/or mounts any of the dead bodies of any wildlife or any part thereof not personally harvested by the individual performing taxidermy services.	6
284	Testing laboratories, Major	An establishment designed primarily for the objective analytical data collection and/or testing of a product or a process; where any testing activities take place outdoors, or where any special equipment, beyond a normal office environment, is utilized or where hazardous materials are present.	6
285	Testing laboratories, Minor	An establishment designed primarily for the objective analytical data collection and/or testing of a product or a process; where all testing activities take place indoors and no special equipment, beyond a normal office environment, is utilized.	6
286	Textile products	Any cloth or goods produced by weaving, knitting, or felting.	0
287	Theater	A building or establishment primarily designed for showing motion pictures, or live dramatic, dance, musical, or other performances.	4

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
288	TOTAL STRUCTURE (CONDOMINIUM)	The structure within which is contained all of the units of the condominium.	0
289	TOWNHOUSE	A single-household dwelling with no side yards between abutting dwellings.	10
290	TRAFFICWAY	A public way or a private way whose primary use is for movement of motorized vehicles.	0
291	Tree		
292	Tree - Class One	Small trees which do not generally reach over 25-30' in height and width. Spacing, 20-30' between trees. Good for under power lines or smaller planting areas.	
293	Tree - Class Three	Many are long lived and attain large height and trunk diameter. Make sure you have ample room to accommodate it at maturity. May reach 70'+ in height and width. Spacing, 40-60' between trees.	
294	Tree - Class Two	Usually considered medium sized trees mostly planted for their shade and excellent use in the landscape and parkway plantings. Reaching 30-40+' height and width. Spacing, 30-40' between trees.	
295	Tree - Conifers	Provide year round greenery, screening and serve as excellent wildlife shelters. Generally, they should not be pruned and will need large growing areas away from buildings, sidewalks and driveways. Spacing varies with species.	
296	Truck Stop	An establishment or premises, typically a Refueling Station, where truck drivers park for resting purposes. Often including other secondary services such as: food, groceries, showers, sleeping rooms, ect.	6
297	UNDEVELOPED	A property for which a certificate of occupancy or letter of completion has not been issued and/or for which no <i>Required Improvements</i> have been made.	0
298	UNPLATTED lands	Any area for which a plat has not been recorded according to law.	0
299	USE	An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.	0
300	Utility Collection/Distribution Facility - Major	A building, structure, or area used by a single provider for utility distribution to customers covering more than 3,000 square feet.	11
301	Utility Collection/Distribution Facility - Minor	A building, structure, or area used by a single provider for utility distribution to customers that are over 3 feet tall or covering between 300 and 3,000 square feet.	
302	Utility Collection/Distribution Line	Electric, gas, communication, water, sewer, irrigation, and drainage lines providing local distribution or collection service. This includes below ground utility boxes, and above ground boxes up to three (3) feet tall.	11
303	UTILITY POLE	A telephone, power, light, or cable television pole. Light poles shall include street, stadium and security light poles.	0
304	Variance	Permission to deviate from the literal standards of the zoning ordinance or city code. Only granted if applicable to and following procedure found in Twin Falls City Code and Idaho State Law.	0
305	VEHICLE	Any device in, upon, or by which any person or personal property is or may be transported. Including but not limited to cars, trucks, motorcycles, 4-wheelers, RV's, snowmobiles, trailers, utility vehicles and any vehicle required to be licensed by the State of Idaho. Excludes bicycles, equipment, impliments, machinery and similar items.	0
306	Vehicle IMPOUND FACILITY	A facility that provides temporary outdoor storage for three (3) or more vehicles that are to be claimed by titleholders or their agents, provided that no vehicle shall be stored at said facility for more than forty five (45) days and must remain mechanically operable and licensed at all times, or a parcel of land or a building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding fourteen (14) days. (Ord. 2773, 12-15-2003)	6
307	Vehicle Rental Facility	An establishment, facility, or location used for the storage and/or display of vehicles for rental purposes. All vehicles held on the premises shall be licensed and in operating condition.	4
308	Vehicle Repair Services, Major	A site or location used for major vehicle rebuilding or reconditioning. This includes engine rebuilding/replacement, major reconditioning of worn or damaged vehicles, and collision service (body, frame, or fender straightening, repair or painting). All repair work shall be conducted within enclosed buildings, and all vehicles shall be stored inside a building, or approved screened area.	6
309	Vehicle Repair Services, Minor	A site or location used for minor vehicle maintenance and repair. This includes muffler shops, oil change stations, tire sales/installations, wheel and brake shops. All repair work shall be conducted within enclosed buildings and all vehicles shall be stored inside a building, or approved screened area.	6

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
310	Vehicle Sales	An establishment, facility, or location used for the display and/or storage of more than two (2) vehicles for sale. Includes retail and/or wholesale.	4
311	Vehicle Sales - Heavy Trucks	An establishment, facility or location used for the display and/storage of more than two (2) Semi Trucks and/or Semi Trailers	4
312	Vehicle Sales – Temporary	See State requirement for Temporary Supplementary Sales Lot	4
313	Vehicle WRECKING	The dismantling or wrecking of two (2) or more used motor vehicles, mobile homes or trailers.	0
314	Veterinary Clinic, Major	An establishment, building or portion of a building, primarily designed for the care, observation, and/or treatment of animals where any treatment and/or boarding takes place outside.	1
315	Veterinary Clinic, Minor	An establishment, building or portion of a building, primarily designed for the care, observation, and/or treatment of animals where all treatment and/or boarding takes place inside.	1
316	VICINITY MAP	A drawing which sets forth by dimensions or other descriptive means the relationship of a proposed development to other nearby developments, trafficways or other landmarks within the general area in order to better locate and orient the area in question.	0
317	WALL - Building	The full width or length of a building, including recessed windows or doors.	0
318	Warehouse/Distribution Center	An establishment or facility primarily used for receiving, rerouting, transferring and/or storing goods or items for delivery to retailers, or directly to consumers.	6
319	Water Treatment Plant	A facility which produces drinking water for public consumption or "industrial water" for manufacturing or other business operations. Treatment includes but is not limited to filtering out sediment and disease-causing organisms, or chemical treatment, to remove excess minerals or other contaminants.	6
320	Wildland-Urban Interface	Areas where homes are built near or among lands prone to wildland fire.	0
321	Wind Turbine	A structure designed to primarily provide electricity by way of wind power for sale on the electrical grid.	11
322	Wireless Communications Facility (WCF)	A location or equipment used for the transmission or reception of radio frequency (RF) signals, or other wireless communications or signals, for commercial communications purposes; typically consisting of one or more antennas, a tower or attachment support structure, transmission cables, and other transmission equipment. May or may not include an equipment enclosure or cabinets. This definition includes small cell technologies and associated equipment.	11
323	Wireless Communications Tower	Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts; intended primarily for the purpose of mounting equipment for the transmission of radio, wireless, or other electromagnetic signals.	11
324	Wireless Communications Tower, Colocation	A visually unobtrusive installation method because the equipment is attached to an existing structure.	
325	Wireless Communications Tower, Stealth or Alternative	A telecommunications tower designed to be indistinguishable by the casual observer from its surrounding environment, or unobtrusively blend into its surrounding environment.	11
326	WRECKING, Salvage AND JUNK YARDS	Any area where vehicle wrecking is carried out and/or accumulation of parts thereof, are stored in the open; or any land, building or structure used for the wrecking or storing of such motor vehicles; or property containing any dismantled, abandoned, nonoperating, junked, damaged or destroyed household goods and equipment, motor vehicles, machinery or miscellaneous property.	6
327	YARD	An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.	0
328	YARD, FRONT	A yard extending between side lot lines across the front of a lot and from the front lot line to the nearest part of a building, excluding architectural projections. Any street frontage is considered a front yard.	0
329	YARD, REAR	A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building, excluding architectural projections.	0
330	YARD, SIDE	A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards, excluding architectural projections.	0
331	ZIP LINE	An aerial trail system providing recreation and educational activities that preserves and protects the natural environment and habitat by enabling people to traverse terrain by means of cable and trolley.	9

	A	B	C
2	100-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year).	0
332	ZONING DEVELOPMENT AGREEMENT	A written commitment by a property owner or developer concerning the use or development of a subject parcel. A zoning development agreement may be required as a condition of rezoning and/or development of a subject parcel when a property is located adjacent to major arterial or collector streets and/or where a variety of uses may be desired in a preplanned environment with more flexible standards than normally apply to the use of land in a standard zoning district.	0
333	Zoo	An area, building(s), or structure(s) containing animals, on exhibition for viewing by the public.	6

DRAFT

CHAPTER 2

ZONING DEFINITIONS

SECTION:

10-2-1: Definitions

10-2-1: DEFINITIONS:

For the purposes of this title certain words used herein shall mean what is indicated in this chapter. (Ord. 2124, 10-15-1984)

The present tense includes the future tense, and the singular number includes the plural and the plural number includes the singular.

The word "shall" or "will" is a mandatory requirement, the word "may" is a permissive requirement.

The word "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".

ACCESS EASEMENT: An easement across one or more adjacent properties to allow vehicular access to an otherwise inaccessible area at any time. (Ord. 2012, 7-6-1981)

ACCESSORY BUILDING, ATTACHED: An accessory building that is attached to or within ten feet (10') of a dwelling. (Ord. 2124, 10-15-1984)

ACCESSORY BUILDING, DETACHED: An accessory building which is located a minimum of ten feet (10') from a dwelling. The footprint of the building shall be used to determine the maximum permitted size of a detached accessory building. (Ord. 2741, 11-4-2002)

ACCESSORY USE OR STRUCTURE: A use or structure that is incidental and subordinate to the principal allowed use of a property and located on the same lot as the principal allowed use.

ADMINISTRATOR : A person who is legally vested with the right of administration of this ordinance. (Ord. 2012, 7-6-1981)

AGRICULTURAL LAND: Land used for the raising of plant crops and animals on pasture, but excluding feedlots and dairies. (Ord. 2275, 7-17-1989)

AGRITOURISM ACTIVITY: An accessory use/secondary activity carried out on an active farm or ranch of ten (10) acres or more that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic, cultural, on-site educational farming programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, farm animal petting zoos, short term farm festivals, corn mazes, "harvest-your-own" events, hayrides, barn parties, horseback riding, fee fishing and camping. An activity is an agritourism activity whether or not the participant paid to participate in the activity. (Ord. 2018-007, 8-20-2018)

ALLEY: See definition of street.

ANIMAL, SMALL AND LARGE: An animal shall be considered small if it is a domestic pet normally kept in a house and weighs less than one hundred fifty (150) pounds at maturity. All other animals shall be classed as large animals.

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guestrooms or suites of rooms and dwelling units.

APPLIANCE REPAIR: The repair of a household or office device operated by gas or electrical current.

APPROVED: Unless otherwise indicated, shall mean by the Council. All approvals delegated herein to administrative personnel of the City are subject to review and final determination by the Council. (Ord. 2012, 7-6-1981)

ARCHITECTURAL PROJECTION: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building but shall not include signs. Examples of such projections are cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, etc. For carports or canopies the architectural projection shall be measured from the support posts unless said posts are located more than three feet (3') from the outer edge of the carport or canopy roof. In such case a maximum of three feet (3') shall be considered the architectural projection. (Ord. 2124, 10-15-1984)

AREA OF IMPACT: The area surrounding the city as established by mutual agreement with the county in conformance with state law. (Ord. 2012, 7-6-1981)

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. (Ord. 2045, 7-6-1982)

AUTOMOBILE AND RECREATIONAL VEHICLE RENTAL/STORAGE YARDS: Parking and/or storage of new and/or used automobiles and recreation vehicles, which may or may not be capable of immediate operation under their own power. (Ord. 2741, 11-4-2002)

AUTOMOBILE IMPOUND FACILITY: A facility that provides temporary outdoor storage for three (3) or more vehicles that

are to be claimed by titleholders or their agents, provided that no vehicle shall be stored at said facility for more than forty five (45) days and must remain mechanically operable and licensed at all times, or a parcel of land or a building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding fourteen (14) days. (Ord. 2773, 12-15-2003)

AUTOMOBILE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT REPAIR: The repair of automobiles, mobile homes, travel trailers and farm implements.

AUTOMOBILE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES AREAS: An open area, other than a street used for the display, sale or rental of new or used automobiles, mobile homes, travel trailers, or farm implements but not including repair work except minor incidental repair of same to be displayed, sold or rented on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of two (2) or more used motor vehicles, mobile homes or trailers. (Ord. 2012, 7-6-1981)

AUTOMOBILE WRECKING YARD AND JUNKYARD: Any area where automobile wrecking is carried out and/or accumulation of parts thereof, are stored in the open; or any land, building or structure used for the wrecking or storing of such motor vehicles or property containing any dismantled, abandoned, nonoperating, junked, damaged or destroyed household goods and equipment, motor vehicles, machinery or miscellaneous property. (Ord. 2773, 12-15-2003)

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. (Ord. 2045, 7-6-1982)

BASEMENT: A portion of living space in a dwelling unit all or at least one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground. (Ord. 2012, 7-6-1981)

BEST MANAGEMENT PRACTICES (BMPs): Those methods, or practices to prevent or reduce water pollution and include, but are not limited to, structural and nonstructural controls, and operation and maintenance procedures. BMPs can be applied before, during, and after pollution producing activities to reduce or eliminate the introduction of pollutants into receiving waters. (Ord. 2481, 5-1-1995)

BICYCLEWAY: A public way designed for the use of nonmotorized vehicles.

BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets. (Ord. 2012, 7-6-1981)

BUILDING: Any structure having a roof supported by columns or by walls and intended or used for shelter, housing or enclosure of persons, animals, plants, chattels, or property of any kind. (Ord. 2124, 10-15-1984)

BUILDING LINE: See definition of Line, Building. (Ord. 2012, 7-6-1981)

BUILDING OFFICIAL: The building official or other city employee appointed by the building official. (Ord. 2957, 12-8-2008)

BUSINESS PARK: A development approved through the ZDA process that contains a number of separate manufacturing, commercial, office and supporting uses and open space. (Ord. 3082, 12-8-2014)

CALL CENTER: An operational center set up to utilize telecommunication and computer technologies to automate various high volume inbound and/or outbound telephone activities and services. (Ord. 2710, 12-3-2001)

CANYON RIM: The point below which the final slope toward Rock Creek or the Snake River exceeds thirty percent (30%) for a distance of ten (10) or more feet. The "final slope", as the term is used herein, excludes minor breaks in the canyon wall which have a slope of less than thirty percent (30%) but are: a) inaccessible from existing streets, and/or b) less than one hundred feet (100') in width. There may be multiple rims meeting this definition, and the requirements of the canyon rims overlay district apply to all such rims. The location of the rim shall be determined before any excavation or grading preparatory to development occurs. Any developer may, prior to filing an application for approval, request that the city engineer delineate the rim on his or her property.

CANYON RIM SETBACK: The shortest distance between the canyon rim and the exterior wall of any building for which a canyon rim setback is required. (Ord. 2466, 2-6-1995)

CARPOR, ATTACHED: Having all or part of one wall common to the dwelling or to a covered porch attached to the dwelling or located within ten feet (10') of a dwelling.

CARPOR, DETACHED: A roofed structure of which all sides and ends are not enclosed and which is located a minimum of ten feet (10') from a dwelling. (Ord. 2124, 10-15-1984)

CASHIER'S BOOTH: A building not exceeding sixty (60) square feet which is used solely for the receipt of money from automotive and petroleum products and which contains no items for sale. (Ord. 2072, 7-5-1983)

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided. (Ord. 2012, 7-6-1981)

CHANGE OF USE: A change of use from one of the following categories to another:

(A) Agricultural.

- (B) Agricultural processing.
- (C) Communications and utilities.
- (D) Cultural facilities.
- (E) Governmental facilities.
- (F) Manufacturing.
- (G) Medical facilities.
- (H) Miscellaneous.
- (I) Parks.
- (J) Public assembly.
- (K) Residential.
- (L) Retail trade.
- (M) Services.
- (N) Sports facilities.
- (O) Transportation.
- (P) Wholesale facilities. (Ord. 2526, 5-20-1996)

CITY: The city of Twin Falls.

CITY MANAGER: The city manager or other city employee appointed by the city manager. (Ord. 2957, 12-8-2008)

COLLOCATION: The use of a single support system on the ground by more than one carrier or several support systems on an existing building or structure by more than one carrier. (Ord. 2678, 1-16-2001)

COMMERCIAL USE: A structure or area intended for the selling, bartering or swapping of any merchandise, commodities, objects or services.

COMMISSION: The city of Twin Falls planning and zoning commission².

COMMON AREA: Lands or real estate intended for the common use of a group of persons all of whom have an undivided common interest in the real estate.

COMMON AREA (CONDOMINIUM): The separate interest in a condominium.

COMMON AREA, LIMITED: A common area within a condominium ownership that is restricted in use to include only a part of the group of persons who have a common interest in a condominium project.

COMMON, INTEREST IN: Every interest created in favor of several persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes or unless declared in its creation to be a joint interest or unless acquired as community property.

COMMON WALL: A wall located upon or at the division line between adjoining premises and use, intended to be used or available to be used by both owners of such premises in the construction or maintenance of improvements on their respective properties.

COMPREHENSIVE PLAN: The overall guiding document for all development within the legal jurisdiction of the city.

CONCESSION: A building or structure having less than three hundred (300) square feet of area that is used for the sale of food, beverages and/or souvenirs.

CONDOMINIUM OWNERSHIP: An estate consisting of: a) an undivided interest in common in real property in an interest or interests in real property or in any combination thereof, together with b) a separate interest in real property, in an interest or interests in real property, or any combination thereof.

CONDOMINIUM PLAT: The drawing of a division of real property into individual interests in common together with a separate interest in the real property for the purpose of establishing condominium ownership together with the declaration that is filed according to law with the county recorder. (Ord. 2012, 7-6-1981)

COTTAGE BUSINESS: A small, individually owned business or concern that functions without altering the residential character of the neighborhood and which does not create any negative impacts on the public health, safety, and general welfare of the adjacent property owners. (Ord. 2657, 6-19-2000)

COUNCIL: The city of Twin Falls city council.

COUNTY: Twin Falls County, Idaho and its governing board.

COVENANT: A written promise or pledge. (Ord. 2012, 7-6-1981)

CULTURAL ACTIVITIES: Activities, programs, displays or performances, presented for the enjoyment, education or other benefit of the general public, involving art, music, literature, live theater, craft shows, history or humanities. (Ord. 2851, 3-6-2006)

DAYCARE SERVICE: Services offered by persons who are paid to supervise or care for six (6) or more persons including the resident children, but excluding those businesses or religious institutions which provide incidental daycare service for patrons or attendees while parents are on the premises. (Ord. 2850, 2-21-2006)

DEDICATION: The setting apart of land or interest in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the local governing authority. (Ord. 2012, 7-6-1981)

DETENTION FACILITY: Those methods or devices that temporarily collect and hold the stormwater runoff and release the water at a metered rate over time. (Ord. 2481, 5-1-1995)

DEVELOPED: A developed property is a property for which a certificate of occupancy has been issued to occupy a building on the property. (Ord. 2957, 12-8-2008)

DEVELOPER: The owner, or his legally authorized agent, of lands that are being platted or mapped. (Ord. 2012, 7-6-1981)

DEVELOPMENT: Lands within the boundaries of an area that is platted or mapped in accordance with this title that are intended to be improved by the construction or addition of buildings or other structures; by mining, dredging, filling, grading, paving, excavation or drilling. (Ord. 2045, 7-6-1982)

DORMITORY: A rooming house or residence hall occupied by students.

DRIVE-IN ESTABLISHMENT: A commercial establishment, excluding gasoline service stations, in which business is conducted while the customers are vehicle occupants. (Ord. 2012, 7-6-1981)

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including manufactured homes, but not including hotels, boarding and lodging houses, trailers, camp cars or trailer houses. (Ord. 2110, 7-16-1984)

DWELLING, MULTIPLE: A building or portion thereof, designed for three (3) or more households living independently of each other and including apartment hotels.

DWELLING, ONE HOUSEHOLD: A detached building containing one dwelling unit.

DWELLING, TWO HOUSEHOLD: A building designed exclusively for occupancy for two (2) households living independently of each other including duplexes, semidetached houses and separately owned shared wall dwellings.

DWELLING UNIT: Space within the dwelling designed to accommodate all normal cooking, sleeping and sanitation needs of the residents.

EASEMENT: A right of use for a stated purpose, falling short of ownership, granted by a property owner to the public or to another person and restricting the property owner's use of the property by prohibiting the construction of any permanent building or structure over the easement and by prohibiting any other stated restriction of use.

ENGINEER: A professional engineer registered in the state of Idaho.

EQUESTRIANWAY: A public way designed to be used for horseback riding. (Ord. 2012, 7-6-1981)

FACADE MOUNTED: Directly attached or affixed to the elevation of a building, tank, or other structure. (Ord. 2678, 1-16-2001)

FARM: An area twenty (20) acres or more in the area of impact which is being used for the purpose of producing food, fiber, seed stock, fodder or oil producing crops. (Ord. 2012, 7-6-1981)

FEEDLOTS AND DAIRIES: A parcel or parcels of land under the same ownership or management with more than five (5) animals per acre or a total of fifty (50) animals, whichever is less. (Ord. 2275, 7-17-1989)

FINISH FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "finish floor".

FLOOD INSURANCE RATE MAP: The official map on which the federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood. (Ord. 2012, 7-6-1981)

FLOOD OR FLOODWATERS: A temporary overflow of water on lands not normally covered by water. (Ord. 2045, 7-6-1982)

FLOODPLAIN: The relatively flat areas or lowlands adjoining the channel of a watercourse, or areas where drainage is or may be restricted by manmade structures which have been or may be covered partially or wholly by floodwater, but shall compose an area not less than that area confined by the 50-year flood and shall not exceed that area confined by the 100-year flood. (Ord. 2012, 7-6-1981)

FLOODPLAIN REGULATIONS: The codes, ordinances and other regulations relating to the use of land and construction within the channel and floodplain areas, including zoning ordinances, subdivision regulations, building codes, housing

codes, setback requirements, open area regulations and similar methods of control affecting the use and development of the areas.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). (Ord. 2045, 7-6-1982)

FREESTANDING TOWER: A tower not physically attached to a building or structure. A tower is attached to the ground by a foundation. (Ord. 2678, 1-16-2001)

FRONT: The front of a building shall be the wall so designated by the building official which best conforms to the intent of this title. The front property line shall be the lot line most nearly parallel to the front of a building. In designating the front of a building, the building official shall base his decision on the location of the door which provides the principal access into the building and/or the location of the trafficway which provides the principal access to the property. The decision of the building official may be appealed to the city council for interpretation of the intent of this title and final determination of the designated front.

FRONTAGE, ENTIRE: All the property fronting on one side of a street between intersecting streets, or between a street and right of way, waterway, end of dead end street or city boundary, measured along the street line. An intersecting street shall determine only the boundary of the frontage on the side of the street which it intersects.

GARAGE, ATTACHED: A garage having all or part of one wall common to the dwelling or to a covered porch attached to the dwelling.

GARAGE, DETACHED: A garage which is completely surrounded by open space.

GARAGE, PRIVATE: A building or a portion of a building in which only motor vehicles used by the tenants of the building on the premises are stored or kept.

GOVERNING AUTHORITY: The city council of the city of Twin Falls, Idaho. (Ord. 2110, 7-16-1984)

GOVERNMENT OPEN STORAGE YARD: Storage of vehicles, equipment, and materials accessory to the operation of an owned or leased governmental facility. (Ord. 3088, 2-2-2015)

GOVERNMENTAL FACILITIES: Facilities operated or occupied by a governmental agency for the benefit of the general population. (Ord. 2379, 6-15-1992)

H-1 AND H-7(2) FACILITIES: Facilities for storage, handling, use or sale of hazardous and highly flammable or explosive materials other than flammable liquids as defined by the edition of the building code most recently adopted by the city council. (Ord. 2620, 8-2-1999)

HEIGHT: The vertical distance measured from the highest point of the top of the curb or future curb adjacent to the subject property. (Ord. 2124, 10-15-1984)

HIGHWAY: A street designated as a highway by an appropriate state or federal agency.

HILLSIDE SUBDIVISION: Any subdivision or portion thereof having an average slope of ten percent (10%) or more.

HISTORIC SITES: Sites established by the city, county, state or federal government as historic monuments that should be preserved. (Ord. 2110, 7-16-1984)

HOME OCCUPATION: A service, excluding daycare, offered by the resident of a household unit or the sale of items handcrafted on the premises by the resident of a household unit providing the service, sale or handcrafting is performed only by the resident therein and providing the area used in performing the home occupation does not exceed four hundred (400) square feet in area and providing there is no exterior indication of the home occupation. Services which generate no traffic to the premises or which use no vehicles which would not normally be found incidental to a residential use shall be exempt from this definition. In the C1, M1 and M2 zones, only existing on site residences may be used for home occupations. (Ord. 2741, 11-4-2002)

HORTICULTURAL SERVICES: Services which support horticultural activities such as quality control laboratories and soil and chemistry testing. (Ord. 2550, 6-2-1997)

HOSPITAL: An institution providing health services, primarily for inpatient and medical or surgical care of sick or injured, including outpatient departments, training facilities, central service facilities and staff offices. Hospitals are assumed to be for humans unless otherwise indicated.

HOTEL: Any building containing six (6) or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. (Ord. 2110, 7-16-1984; amd. Ord. 2227, 12-21-1987)

HOUSEHOLD: An individual or two (2) or more individuals related by blood, marriage, legal adoption or guardianship, together with any servants, not to exceed ten (10) persons, or a group of four (4) or less persons who are unrelated and

reside together for more than thirty (30) days. (Ord. 2710, 12-3-2001)

HOUSEHOLD BUILDING: A single building containing one or more household units.

HOUSEHOLD UNIT: A room or group of rooms within a building containing cooking and bathroom facilities intended for use and occupancy by one family.

ILLUMINATED SIGN: A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

IMPROVEMENT: Any alteration to the land or other physical constructions associated with subdivision and building site developments. (Ord. 2110, 7-16-1984; amd. Ord. 2227, 12-21-1987)

IN HOME DAYCARE SERVICE: Daycare service in a home in which the provider lives full time and is the main on site caregiver of the service. (Ord. 2850, 2-21-2006)

INDOOR RECREATIONAL FACILITY: A building in which recreational activities such as ice or roller skating, bowling, dancing, card games, swimming, tennis, video games, billiards, bingo and other similar activities take place. (Ord. 2550, 6-2-1997)

LARGE SCALE DEVELOPMENT: A subdivision which consists of sixty (60) or more lots or dwelling units or which contains forty (40) acres or more. (Ord. 2140, 3-18-1985)

LATTICE TOWER: A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section. Roof mounted towers not exceeding two feet (2') in width in any cross section and not exceeding fifty feet (50') in height shall not be considered lattice towers. (Ord. 2700, 7-16-2001)

LESSEE: A person holding a legally enforceable lease.

LINE, BUILDING: One of four (4) perpendicular lines established by the building official for the purpose of measuring setbacks. The lines shall be established parallel to the predominate building walls and shall pass through the most exterior point on the building walls, excluding architectural features not intended for occupancy.

LINE, PROPERTY: The legal boundary of a parcel of real property.

LOADING SPACE: An off street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT: Unless otherwise defined, a parcel of land with sufficient size to meet the minimum requirements of this title for use, dimensional standards and off street parking and which is owned by a single person with a separate interest or a group of persons with a separate interest together with an interest in common in the real property.

LOT AREA: The total area of a lot measured on a horizontal plane within the boundary lines exclusive of public and private roads, and easements of access to other property.

LOT, CONDOMINIUM: For the purposes of a condominium, a lot shall be the farthest exterior boundary of the real property upon which the project is situated.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets.

LOT, DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT, PLATTED: A lot or individual parcel shown on a plat.

LOT, REVERSED CORNER: A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

MAINTENANCE EASEMENT: An easement granted for the purpose of providing access for repair and maintenance of the appurtenant property in zero lot line subdivisions.

MANAGEMENT BODY: A person or group of persons created in accordance with this title to manage a development and maintain all common areas.

MANAGEMENT BODY (CONDOMINIUM): Any person or persons managing a project, and includes the condominium owners acting themselves, a corporation or association of which the owners are members or stockholders, a body of governors or directors elected by the owners, or a management agent selected by the owners, corporation or association, or by the board, or named in the declaration. (Ord. 2110, 7-16-1984)

MANUFACTURED HOME: A structure built since June 15, 1976, that bears the seal of HUD indicating it has met the mobile home construction and safety standards of the United States department of housing and urban development (HUD standards) and is used as a permanent dwelling. Manufactured homes shall comply with the following development standards:

- (A) Shall be at least twenty four feet (24') wide, with a minimum floor area of nine hundred sixty (960) square feet.

(B) Shall have a nonmetallic, wood shake or asphalt shingle roof with a minimum slope of three to twelve (3/12) and a minimum six inch (6") eave.

(C) Shall have horizontal aluminum, simulated wood or wood siding.

(D) Shall have a foundation fascia that is similar in appearance and durability to the masonry foundation of site built dwellings and which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.

(E) Shall be permanently affixed and set upon a foundation base having an anchoring system that is totally concealed under the structure. The running gear and towing hitch shall be removed.

(F) Shall obtain a building permit from the city building department to ensure that the manufactured home is placed on site to HUD standards set forth in circular letter 2-83, dated April 8, 1983, published by the Boise service office of HUD regulating the perimeter foundation, the anchoring of the structure to its foundation and other building requirements. (Ord. 2526, 5-20-1996)

MANUFACTURING USE: The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery, but excluding home occupations, activities creating products in which the process does not yield any vapor, liquid or solid waste materials, and crafts made in conjunction with retail business which may include, but not be limited to, ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

MARQUEE: A permanent roofed structure supported by the main building and projecting over a public way. (Ord. 2012, 7-6-1981)

MASTER DEVELOPMENT PLAN: A plan showing a carrier's expected network of wireless communication facilities within the city and its area of impact. (Ord. 2678, 1-16-2001)

MOBILE HOME: A structure of over four hundred (400) square feet in interior area that is transportable in one or more sections, built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; not to include recreational vehicles or travel trailers. (Ord. 2045, 7-6-1982)

MOBILE HOME PARK: Any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating two (2) or more mobile homes for dwelling purposes. (Ord. 2347, 9-3-1991)

MOBILE HOME, TEMPORARY: A nonself-propelled vehicle of less than four hundred (400) square feet interior area designed, constructed or intended for temporary residential use.

MONUMENT: Any permanent marker either of concrete, galvanized iron pipe, or iron steel rods, used to identify any tract, parcel, lot or street lines, as specified in section 50-1303 Idaho Code.

MULTIPLE OCCUPANCY BUILDING: A building containing more than two (2) businesses or households. (Ord. 2012, 7-6-1981)

NONCONFORMING BUILDING: A building or structure not conforming to the provisions of this title but which was lawfully existing or under construction at the time of the adoption of this title.

NONCONFORMING USE: A use not conforming to the provisions of this title but which was lawfully existing at the time of adoption of this title. (Ord. 2140, 3-18-1985)

NONRESIDENTIAL USE: Any structure, activity, or use not included in the definition of "residential use" contained in this section. A home builder model home, temporary sales trailer, and an apartment leasing office are included in this definition. (Ord. 2957, 12-8-2008)

OFF PREMISES SIGN: A sign mounted on property other than that occupied by the use being advertised by said sign. This definition shall exclude signs located within an approved ZDA advertising a nonresidential use or nonresidential uses located within that ZDA and approved as part of a master sign plan through the ZDA process. (Ord. 3082, 12-8-2014)

ON PREMISES SIGN: A sign mounted on property that is occupied by the use being advertised by said sign. (Ord. 2957, 12-8-2008)

100-YEAR FLOOD: The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a 1 percent chance of occurring each year). (Ord. 2045, 7-6-1982)

OPEN SPACE: An area retaining a natural ground cover free of any buildings, structures, streets or parking areas.

ORIGINAL PARCEL OF LAND: A lot or tract as recorded on any plat or record on file in the office of the county recorder, or an unplatted contiguous parcel of land held in one ownership and of record at the effective date hereof. In cases of "unrecorded matters of fact", the commission shall use its best judgment to determine a fair designation.

ORPHANAGE: A rooming house or residence hall occupied by orphaned children.

OWNER: Any person or group of persons having legal title to real property which is subject to this title.

PARKING SPACE, AUTOMOBILE: An enclosed or unenclosed surfaced area of not less than twenty feet by nine feet (20' x 9') in size, together with access and maneuvering space sufficient to permit a standard automobile to be parked within the surfaced area, permanently reserved for the temporary parking or storage of one automobile. The total space shall be not

less than two hundred seventy (270) square feet.

PATIO, COVERED: See definition of Carport, Attached.

PEDESTRIANWAY: A public way designed to be used as a walkway for pedestrians.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the city clerk which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PERMANENT: Not less than six (6) months.

PERSON: Any individual or any corporation, joint venture, limited partnership, partnership, firm, association, trustee or other similar entity or organization.

PICK UP SHELTER: A structure used only by persons waiting for public transportation.

PLAT: The drawings, certifications, descriptions and approvals of a division or proposed division of real property into two (2) or more lots, blocks, parcels, sites, plots, units, common areas, limited common areas or other descriptive designations of real property for the purpose of offering for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions to any person having a separate interest or an individual interest in common together with a separate interest in any or all of the real property. All as set forth by Idaho Code.

PORCH: A covered entrance to a building. (Ord. 2012, 7-6-1981)

PREMISES: A parcel of land or contiguous parcels of land with their appurtenances and buildings which are under one ownership or control. (Ord. 2124, 10-15-1984)

PRIVATE: Belonging to an individual or group of persons and not for the public or open to the public.

PRIVATE WAY: Any right of way or easement dedicated or platted across real property owned by the person dedicating or platting the private way and intended for the general or special use of a person or persons rather than the general public. (Ord. 2012, 7-6-1981)

PROFESSIONAL SERVICES: Services offered by persons engaged in the legal, engineering, architectural, design, planning, accounting, banking, auditing, and related professions. (Ord. 2550, 6-2-1997)

PROHIBITED SIGN: Any sign listed in section 10-9-10 of this title, signs that do not comply with this or other applicable ordinances, and signs that are otherwise prohibited. (Ord. 2957, 12-8-2008)

PROJECT: A development.

PROJECT (CONDOMINIUM): The entirety of the property divided or to be divided into condominiums.

PROPERTY (CONDOMINIUM): The land described in the declaration recorded, together with any building, improvement or structure thereon, and every easement or right appurtenant thereto, and all personal property intended for use in connection therewith or for the use, benefit or enjoyment of the condominium owners.

PUBLIC: Owned by federal, state or local government or subdivisions thereof. (Ord. 2012, 7-6-1981)

PUBLIC VIEW: A view from any public or city right of way or access easement. (Ord. 2957, 12-8-2008)

PUBLIC WAY: Any right of way or easement dedicated or platted across real property owned by the person dedicating or platting the public way and intended for the general or special use of the public; or any right of way or easement legally obtained by the city through the use thereof providing such public way has not been vacated by the city council.

REAL PROPERTY: Real estate consisting of: a) lands, possessory rights to land, ditch and water rights, and mining claims, both lode and placer; b) that which is affixed to land; and c) that which is appurtenant to land.

REAR: The rear of a building and rear property line shall be the wall and lot line most nearly parallel to the front wall and lot line. (Ord. 2012, 7-6-1981)

RECREATIONAL VEHICLE AND CAMPING PARK: Any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating recreational vehicles, travel trailers or tents for dwelling purposes for a period not to exceed six (6) months. (Ord. 2550, 6-2-1997)

RELIGIOUS FACILITIES: A building intended for the worship of a God and its related facilities such as meeting halls, a household unit for persons employed in the building, and schools for religious teachings.

RELIGIOUS QUARTERS: A rooming house or residence hall occupied by persons employed by a single religious organization.

REPRODUCIBLE DRAWING: A permanent drawing prepared in black india ink or an archival photographic image process conforming to the standards established by the American National Standards Institute on a polyester material four-thousandths of an inch (0.004") thick with a matte finish.

RESERVE STRIP: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

RESIDENCE HALL: A building without cooking facilities where one or more rooms without cooking facilities are occupied by separate households for more than thirty (30) days without board.

RESIDENTIAL HOTEL: A residence hall or rooming house having one or more rooms occupied by separate households where more than seventy five percent (75%) of the households reside for more than thirty (30) days. (Ord. 2012, 7-6-1981)

RESIDENTIAL USE: Any detached single-family, attached single-family, duplex, townhome, condominium, multi-family, agricultural, or other structure, activity, or use occupied or operated primarily to provide the cooking, sleeping, and sanitary needs of an individual or family. (Ord. 2957, 12-8-2008)

RETENTION FACILITY: Those methods or devices that collect and hold the stormwater runoff for dissipation through infiltration and/or evaporation. (Ord. 2481, 5-1-1995)

RETIREMENT HOME: A rooming house or residence hall occupied by retired persons.

RIGHT OF WAY: A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks and other public utilities or service areas.

ROOF PROJECTIONS: Chimneys, smokestacks, church spires, flagpoles, radio and television antennas or towers, masts, cooling towers, elevator shafts and other similar projections.

ROOMING HOUSE: A building with common cooking facilities having one or more rooms without cooking facilities occupied by separate households for more than thirty (30) days with or without board.

SANATORIUM: A private hospital, whether or not such facility is operated for profit.

SCHOOL: Any place primarily used for teaching.

SERVICE BUILDING: A permanent building or buildings designed to provide service facilities to the inhabitants or users of any development.

SERVICE ROAD: A dedicated minor way which is used for vehicular access to back or side of residential property otherwise abutting on a street.

SERVICE STATION: A building or portion thereof and land used for supplying fuel, oil and minor accessories for motor vehicles at retail direct to the customer and for making minor emergency repairs. (Ord. 2012, 7-6-1981)

SETBACK: The distance from a property line, centerline, canyon rim, right of way, or structure within which a building is prohibited. (Ord. 2620, 8-2-1999)

SHELTER HOME: Building or facility however named, operated on either a profit or nonprofit basis for the purpose of providing a home with necessary supervision for three (3) or more persons not related to the owner and who are unable to care for themselves.

SIDE: The side of a building and side property line shall be the wall and lot line most nearly perpendicular to the front wall and lot line. (Ord. 2012, 7-6-1981)

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. This definition includes the signs defined herein. (Ord. 2957, 12-8-2008)

SPECIAL USE PERMIT: A permit granted by the commission for a permanent use that is otherwise prohibited but may be allowed under specific provisions when not in conflict with a comprehensive plan.

SPORT SHOOTING RANGE: Shooting range as defined by Idaho State Statute 55-2604, or as amended, an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or other similar sport shooting.

SPORTING VEHICLES: Travel and tent trailers not over eight feet (8') wide or thirty two feet (32') long and capable of being towed with safety behind a passenger vehicle, campers designed to be mounted on a pickup truck, boats and accessories, recreational type snow machines required to be licensed under the laws of the state of Idaho and having a maximum seating capacity for three (3) persons and motorcycles and related items designed to be used off the highway system.

STANDARD SPECIFICATIONS: The specifications as specified in this title or as officially adopted by the city council.

STATE: State of Idaho. (Ord. 2012, 7-6-1981)

STORMWATER: Stormwater runoff, snowmelt, and surface runoff and drainage. (Ord. 2481, 5-1-1995)

STREET: A right of way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, land, place and other such terms.

(A) **Alley:** A minor street providing secondary access at the back of a property otherwise abutting a street.

- (B) Local: A street which has the primary purpose of providing access to abutting properties.
- (C) Collector: A street designated for the purpose of carrying traffic from local streets to other collector streets and/or arterial streets.
- (D) Arterial: A street designated for the purpose of carrying fast and/or heavy traffic.
- (E) Loop: A local street with both terminal points on the same street of origin.
- (F) Cul-De-Sac: A street connected to another street at one end only as provided with a turnaround space at its terminus.
- (G) Frontage: A local street parallel to and adjacent to an arterial street to provide access to abutting properties.
- (H) Partial: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.
- (I) Stub Street: A street which terminates without provisions for a turnaround area.
- (J) Half Street: A street comprised of one-half ($\frac{1}{2}$) of the width required to conform with a standard city street section.
- (K) Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

STREET GRADE: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STRUCTURAL ALTERATIONS: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders. (Ord. 2012, 7-6-1981)

STRUCTURES: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards, but exclude utility poles and streetlights. (Ord. 2999, 1-24-2011)

SUBDISTRICTS, BASIC AND SECONDARY: A zoning designation that provides flexibility for the development of a homogeneous unit without compromising the health, safety or general welfare of the community.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient property rights in the property to represent the owner. (Ord. 2012, 7-6-1981)

SUBDIVISION: The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which shall also include the dedication of public streets and other rights of way and the addition to, or creation of, a cemetery. However, this title shall not apply to any of the following:

- (A) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat;
- (B) The unwilling sale of land as a result of legal "condemnation" as defined and allowed in the Idaho Code ;
- (C) Widening of existing streets to conform to a comprehensive plan;
- (D) The acquisition of a street right of way by a public agency in conformance with a comprehensive plan; and
- (E) The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage. (Ord. 2901, 4-16-2007)

SURVEYOR: A land surveyor or professional engineer registered in the state of Idaho. (Ord. 2012, 7-6-1981)

THEATER, OUTDOOR: An open developed lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures, theatrical or musical productions/concerts, on a paid admission basis, to patrons seated in automobiles or on outdoor seats or on the ground. (Ord. 2016-5, 3-7-2016)

TOTAL STRUCTURE (CONDOMINIUM): The structure within which is contained all of the units of the condominium.

TOURIST COURT: A group of attached or detached buildings containing individual sleeping or living units designed for, or used temporarily by, automobile tourists or transients, with parking spaces conveniently located to each unit and including auto courts, motels or motor lodges.

TOWNHOUSE: A single-family dwelling with party walls and no side yards between abutting dwellings.

TRAFFICWAY: A public way or a private way whose primary use is for movement of motorized vehicles.

TRAILER, CAMP CAR OR TRAILER HOUSE: Any unit used for living or for sleeping purposes which is equipped with wheels or similar device used for the purpose of transporting said unit from place to place, whether by motor power or other means, and such vehicles that are used as aforesaid that have had the wheels or equipment removed.

TRANSIENT LODGING: A rooming house or residence hall having one or more rooms occupied by separate families where

less than seventy five percent (75%) of the families reside for more than thirty (30) days. (Ord. 2012, 7-6-1981)

UNATTENDED VEHICLE: A vehicle parked for more than twenty four (24) hours in one location. (Ord. 2045, 7-6-1982)

UNDEVELOPED: An undeveloped property is a property for which a certificate of occupancy has not been issued to occupy a building on the property. (Ord. 2957, 12-8-2008)

UNIT: A separate interest in real property in a condominium or townhouse ownership.

UNPLATTED AREA: Any area that has not been subdivided according to law.

USE: An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased. (Ord. 2012, 7-6-1981)

UTILITY POLE: A telephone, power, light, cable television, or flag pole. Light poles shall include street, stadium and security light poles. (Ord. 2678, 1-16-2001)

VARIANCE: A modification of the requirements of this title. (Ord. 2012, 7-6-1981)

VEHICLE: Any device in, upon, or by which any person or personal property is or may be transported. (Ord. 2957, 12-8-2008)

VICINITY MAP: A drawing which sets forth by dimensions or other descriptive means the relationship of a proposed development to other nearby developments, trafficways or other landmarks within the general area in order to better locate and orient the area in question.

WALL: The full width or length of a building, including recessed windows or doors. (Ord. 2012, 7-6-1981)

WIRELESS COMMUNICATIONS FACILITY: A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, and other facilities. (Ord. 2773, 12-15-2003)

YARD: An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. (Ord. 2012, 7-6-1981)

YARD, FRONT: A yard extending between side lot lines across the front of a lot and from the front lot line to the nearest part of a building, excluding architectural projections. Any street frontage is considered a front yard. (Ord. 2620, 8-2-1999)

YARD, REAR: A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building, excluding architectural projections.

YARD, SIDE: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards, excluding architectural projections.

ZERO LOT LINE: A line created by the placement of a building line upon a side lot line or the creation of a side lot line which bisects a common wall. (Ord. 2012, 7-6-1981)

ZIP LINE: An aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to traverse terrain by means of cable and trolley. (Ord. 2997, 12-13-2010)

ZONING DEVELOPMENT AGREEMENT: A written commitment by a property owner or developer concerning the use or development of a subject parcel. A zoning development agreement may be required as a condition of rezoning and/or development of a subject parcel when a property is located adjacent to major arterial or collector streets and/or where a variety of uses may be desired in a preplanned environment with more flexible standards than normally apply to the use of land in a standard zoning district. (Ord. 3082, 12-8-2014; amd. Ord. 2021-010, 5-3-202)

Notes

1. See section 10-17-1 of this title.

2. See section 10-17-2 of this title.

1. IC § 7-701 et seq.