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1.1.1. Title
This document is the “Land Development Code for the [Jurisdiction],” and may referred to or cited in this document as “this code.”

1.1.2. Purpose and Intent
A. This Land Development Code is adopted for the purpose of guiding development in accordance with the Adopted Comprehensive Plan and existing and future needs in order to protect, promote and improve the public health, safety and general welfare.

B. This Land Development Code is enacted to exercise the full range of authority available under Idaho law to establish standards to regulate and restrict the:

1. Height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures;

2. Percentage of lot occupancy, size of courts, yards, and open spaces;

3. Density of population; and

4. Location and use of buildings and structures.

C. This Land Development Code is enacted for the following purposes:

1. To ensure that the important environmental features are protected.

2. To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community.

3. To encourage urban development within incorporated cities.

4. To protect life and property in areas subject to natural hazards and disasters.

5. To protect fish, wildlife and recreation resources.

6. To avoid undue water and air pollution.

7. To provide a system for the subdividing of lands and the accurate recording of land titles.

8. To encourage economically sound, orderly, and compatible land development practices in accordance with the Comprehensive Plan; and

9. To ensure that adequate public facilities and services are provided to the people at reasonable cost.

10. To ensure that the development on land is commensurate with the physical characteristics of the land.

11. To assure the provision of needed open spaces and public facility sites in new land subdivisions through the dedication or reservation of land for public purposes.

D. This Land Development Code is intended to provide a mechanism for achieving the following goals:

1. Mix land uses;

2. Take advantage of compact building design;

3. Create a range of housing opportunities and choices;

4. Create walkable neighborhoods;

5. Foster distinctive, attractive communities with a strong sense of place;

6. Preserve open space, natural beauty, and critical environmental areas;

7. Provide a variety of transportation choices;

8. Make development decisions predictable, fair and cost effective; and
9. Encourage community and stakeholder collaboration in development decisions.

1.1.3. Application

A. Territorial Application

This Land Development Code applies to all land, uses, buildings and structures within [Jurisdiction].

B. General Application

In their interpretation and application, the provisions of this Land Development Code are the minimum requirements necessary for to meet the purpose and intent of these regulations.

C. Required Conformance

All buildings, structures or land, in whole or in part, must be used or occupied, in conformance with this Land Development Code. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this Land Development Code.

D. Control Over Less Restrictive Private Agreements

This Land Development Code does not nullify any private agreement or covenant. However, where this Land Development Code is more restrictive than a private agreement or covenant, the Land Development Code controls. The [Jurisdiction] will not enforce any private agreement or covenant.

E. Control Over Less Restrictive Laws and Regulations

If any condition or requirement imposed by this Land Development Code is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, the more restrictive condition or requirement governs.

F. Conflict

If any condition or requirement imposed by this Land Development Code contains an actual, implied or apparent conflict, the more restrictive condition or requirement controls.

G. References to Other Laws

Whenever a provision of this Land Development Code refers to any other part of the [Jurisdiction] Code or to any other law, the reference applies to any subsequent amendment of that law.

H. Text and Graphics

Illustrations, photographs and graphics are included in this Land Development Code to illustrate the intent and requirement of the text. In the case of a conflict between the text and any Illustrations, photographs and graphics, the text controls.

1.1.4. Severability

If any section, paragraph, clause, sentence or provision of this Land Development Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remainder of the Land Development Code. The effect of the judgment is confined to the section, paragraph, clause, sentence or provision immediately involved in the controversy in which judgment or decree was rendered.

1.1.5. Effective Date

This Land Development Code was adopted on [insert date] and became effective on [insert date].
In order to implement this Land Development Code, the [Jurisdiction] is divided into the following zoning districts as established on the Official Zoning Map in Sec. 1.3.

1.2.1. Rural Districts
A. A-40: Agriculture 40
B. A-20: Agriculture 20
C. RC-2.5: Residential Cluster

1.2.2. Residential Districts
A. RS-16: Residential Single-Family
B. RS-7: Residential Single-Family & Two-Family
C. RS-5: Residential Single-Family & Two-Family
D. RS-3: Residential Single-Family & Two-Family
E. RM-1: Residential Multi-Family
F. RM-2: Residential Multi-Family

1.2.3. Mixed Use Districts
A. RX: Residential Mixed Use
B. NX: Neighborhood Mixed Use
C. CX: Commercial Mixed Use
D. DX: Downtown Mixed Use
E. CC: Commercial Corridor
F. CH: Commercial Heavy

1.2.4. Industrial Districts
A. IL: Light Industrial
B. IH: Heavy Industrial

1.2.5. Civic and Open Space Districts
A. CIV: Civic and Institutional
B. REC: Parks and Recreation
C. CON: Conservation

1.2.6. Special Districts
A. Scenic Overlay
B. Airport Overlay
1.3.1. Zoning Maps Established

A. The boundaries of the zoning districts within the [Jurisdiction] are shown on the [Jurisdiction] Official Zoning Map.

B. Maps may be kept electronically in a [Geographic Information System]. Copies published on the web or otherwise portrayed electronically do not constitute originals.

C. Map originals must be kept on file with [Jurisdiction] and must indicate the date of the adoption and most recent amendment.

D. The [Jurisdiction] may make paper copies available to the public for a reasonable fee.

E. All map amendments must follow the procedures in Div. 14.4.

1.3.2. Interpretation of Map Boundaries

Where uncertainty exists with respect to the boundaries of any zoning district on the Official Zoning Map or Area of City Impact Zoning Map, the [Administrator] is authorized to interpret the boundaries using the following methods.

A. Where a district boundary line is shown as approximately following the centerline of a street, highway, railroad right-of-way or waterway, the district boundary is the centerline of that street, highway, railroad right-of-way or waterway.

B. Where a district boundary line is shown as running approximately parallel at a distance from the centerline of a street, highway, railroad right-of-way or waterway, the distance from the centerline is determined by the map scale.

C. Where a district boundary line is shown as approximately following a lot line or municipal boundary line, the district boundary is the lot line or municipal boundary line.

D. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location is determined by the map scale.
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2.1.1. Site

A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

A. Site Area

Site area is the cumulative area of all contiguous lots that make up the site. Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

B. Site Width

Site width is the cumulative width of all contiguous lots that compose the site.

C. Site Depth

Site depth is the cumulative depth of all contiguous lots that compose the site.

2.1.2. Lot

A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

A. Lot Area

Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. In the A- Districts, minimum lot area may not include constrained land such as jurisdictional wetlands, floodways and floodplains, and slopes over 25% which are 2,000 square feet or more of contiguous sloped area. Where on-site waste treatment is required, Health Department standards will determine whether minimum lot area must be increased to accommodate the on-site waste treatment system.

B. Lot Width

Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.

C. Lot Frontage

Every lot must abut a public or private street, or a courtyard specifically for a cottage court building type (see Div. 8.4).

D. Lot, Flag

A lot with less length of property on a public street than is normally required, with no less than 30 feet abutting a public or private street generally intended to make deeper property accessible.

E. Lot Coverage

1. The maximum area of the lot that is permitted to be covered by buildings, including both principal structures, structured parking and roofed accessory structures, including gazebos.

2. Lot coverage also includes paved areas such as driveways, walkways, uncovered porches or patios, decks, swimming pools, parking lots, and roof overhangs of over 2 feet, driveways, walkways, steps, terraces and uncovered decks.
2.2.1. Type of Setbacks

There are 4 types of setbacks – primary street, side street, side interior and rear. Building setbacks apply to both principal and accessory buildings or structures except where it explicitly states otherwise.

2.2.2. Measurement of Setbacks

A. The primary street setback is measured at a right angle from the primary street right-of-way line.

B. On corner lots, the side street setback is measured at a right angle from the side street right-of-way line.

C. The rear setback is measured at a right angle from the rear property line or the rear right-of-way or easement line where there is an alley. The rear property line is the property line opposite to the primary street property line. Where there is more than one primary street, the [Administrator] will determine the rear property line based on the criteria in Sec. 2.2.4.

D. All lot lines which are not primary street, side street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side property line.

E. When the side interior or rear setback is 0 or 5 feet, the building or structure may be placed on the property line or be placed a minimum of 5 feet from the property line.

F. When the rear setback is 4 or 20 feet, the building or structure may be placed 4 feet from the property line or be placed a minimum of 20 feet from the property line.

2.2.3. Irregular Shaped Lots

The [Administrator] will determine setbacks for irregularly-shaped lots.

2.2.4. Primary/Side Street Designation

A. Where only one street abuts a lot, that street is considered a primary street.

B. A multiple street frontage lot must designate at least one primary street. A lot may have more than one primary street. The [Administrator] will determine which streets are primary streets based on (where applicable):

1. The street or streets with the highest classification;
2. The established orientation of the block;
3. The street or streets abutting the longest face of the block;
4. The street or streets parallel to an alley within the block;
5. The street that the lot takes its address from; and
6. The pedestrian orientation of adjacent or abutting development, existing or proposed.
2.2.5. Primary Setback Averaging

The primary street setback requirements for principal buildings in RS-16, RS-7, RS-5 and RS-3 must meet the following requirements:

A. The lot must have been recorded for at least 20 years. This time period includes subsequent recombinations or subdivisions of the original lot configuration or recordation.

B. The proposed building must be located within the range of primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range.

C. On an interior lot, the range of setbacks is measured on the basis of the 2 closest lots in either direction along the block face.

D. On a corner lot, the range of setbacks is measured on the basis of the 3 closest lots along the block face.

E. Where the calculation cannot be applied to at least 4 lots on an interior lot or 3 lots on a corner lot, the building must meet the district standards.
Div. 2.3. Build-To Zone

2.3.1. Defined

A. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

B. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.

2.3.2. Corner Lots

On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.

2.3.3. Uses Allowed

With the exception of parking spaces and outdoor storage, all structures and uses (including outdoor dining) allowed on the lot are allowed in the build-to zone.
2.4.1. In General

All buildings and structures must be located at or behind the required setbacks except as listed below. Unless specifically stated no building or structure may extend into a required easement or public right-of-way.

2.4.2. Building Features

A. Porches, stoops, balconies, galleries and awnings/canopies may extend into a required primary or side street setback as stated in Div. 8.16.

B. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriel less than 10 feet wide, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 3 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

C. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.

D. Unenclosed patios, decks, balconies, stoops, porches, terraces or fire escapes may encroach into a side interior or rear setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

E. Handicap ramps may encroach to the extent necessary to perform their proper function

F. Structures below and covered by the ground may encroach into a required setback.

2.4.3. Site Features

A. Fences and walls may encroach into a required setback.

B. Sidewalks and driveways may encroach into a required setback.

C. Required buffers may encroach into a required setback.

D. Signs under may encroach into a required setback as stated in Div. 11.3.

2.4.4. Low Impact Stormwater Features

A. Low impact stormwater management features may encroach into a primary street setback (but not into the sidewalk), including, but not limited to:

1. Rain barrels or cisterns, 6 feet or less in height;
2. Planter boxes;
3. Bioretention areas; and
4. Similar features, as determined by the Administrator.

B. Low impact stormwater management features listed above may encroach into a side interior or rear setback.

2.4.5. Mechanical Equipment and Utility Lines

A. Mechanical equipment associated with residential uses, such as HVAC units, swimming pool pumps or filters, and security lighting, may encroach into a side interior or rear setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.

B. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures and related fences) may encroach into a required rear or side setback.

C. Minor utilities below and covered by the ground may encroach into a required setback.
2.5.1. Building Height

A. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

B. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.

C. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.

D. A half story has less than 50% of the attic floor area with a clear height of 7½ feet or more; measured from the finished floor to the finished ceiling. Attic floor area or greater than 50% is considered a full story.

E. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.

2.5.2. Height Encroachments

Any height encroachment not listed below is prohibited except where the [Administrator] determines that the encroachment is similar to a permitted encroachment listed below.

A. The maximum height limits of the district do not apply to a spire, belfry, cupola, dome, or other similar feature that does not contain conditioned space and is not intended for human occupancy, or public utility facilities which by design or function must exceed the established height limits.

B. The following may exceed the established height limit of the district provided they do not exceed the maximum height by more than 6 feet:

1. Chimney, flue or vent stack;
2. Rooftop deck, patio, shade structure;
3. Flagpole;
4. Vegetation associated with a rooftop garden or landscaping;
5. Skylights;

6. Parapet wall; and

7. Solar panels, wind turbines and rainwater collection systems.

C. The following may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:

1. Elevator or stairway access to roof; and

2. Mechanical equipment.

2.5.3. Ground Floor Elevation

A. Ground floor elevation is the height of the ground floor relative to the height of the sidewalk and is measured from top of the abutting curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.

B. Minimum ground floor elevation applies to the first 20 feet of the lot measured from the right-of-way line.

2.5.4. Story Height

A. Story height is the height of each story of building and it is measured from the top of the finished floor to the ceiling above.

B. Minimum ground story height applies to the first 30 feet of the building measured inward from the interior wall of the primary street-facing facade. At least 50% of the ground story must meet the minimum height provisions.
Div. 2.6. Activation

2.6.1. Transparency

A. Transparency is the minimum percentage of windows and doors that must cover a ground or upper story facade.

B. Transparency applies to primary and side street-facing facades only.

C. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

D. Ground story transparency is measured between 2 and 12 feet above the abutting sidewalk.

E. Upper story transparency is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.

2.6.2. Blank Wall Area

A. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).

B. Blank wall area applies in both a vertical and horizontal direction. Blank wall area applies to ground and upper story primary and side street-facing facades only.

2.6.3. Pedestrian Access

A. An entrance providing both ingress and egress, operable to residents or customers at all times, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

B. The entrance spacing requirements must be met for each building, but are not applicable to adjacent or abutting buildings. Entrance spacing is measured from the edge of door to the edge of the next door.

C. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.
2.7.1 Height Plane

A height plane is required when RM-2, CX or DX abut RC- or RS-. When abutting RC- or RS-, a building cannot extend into a 45-degree angular plane projecting over the subject property measured from a height of 35 feet at the side interior or rear setback line. One foot of additional setback is required for every foot of height above 35 feet until the maximum height of the district is reached.

2.7.2 Property Line Buffer

A property line buffer may also be required (see Div. 11.2).
Article 3 - Rural Districts

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3.1.1. Intent

Description
A-40 is intended to protect the most productive agricultural land and most sensitive natural resources in [Jurisdiction]. Residential cluster development containing single-family uses at a gross density not exceeding 1 unit per 40 acres is allowed to supplement the protection of these resources in exchange for preserving open space.

Building Types Allowed
- Detached house:
  - see also Div. 8.2
- Backyard cottage:
  - see also Div. 8.3
- Agriculture building

3.1.2. Lot Dimensions

Project

<table>
<thead>
<tr>
<th>Description</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>40 acres min</td>
</tr>
<tr>
<td>Gross density</td>
<td>1 unit / 40 acres max</td>
</tr>
<tr>
<td>Open space required</td>
<td>80% min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot</th>
<th>A Area*</th>
<th>B Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>1 acre</td>
<td>100’ min</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>1 acre</td>
<td>100’ min</td>
</tr>
<tr>
<td>Agriculture building</td>
<td>1 acre</td>
<td>100’ min</td>
</tr>
</tbody>
</table>

Coverage

Lot coverage (max) 10,000 SF

*Minimum lot area may not include “constrained land.” Constrained land includes wetlands, floodways and floodplains, and slopes over 25% which are 2,000 square feet or more of contiguous sloped area.
### 3.1.3. Building Placement

#### Principal / Accessory Building Setbacks

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>30' min</td>
</tr>
<tr>
<td>Side street</td>
<td>30' min</td>
</tr>
<tr>
<td>Side interior</td>
<td>20' min</td>
</tr>
<tr>
<td>Rear</td>
<td>40' min</td>
</tr>
</tbody>
</table>

### 3.1.4. Building Height

#### Height

<table>
<thead>
<tr>
<th>Type</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal building</td>
<td>3 stories / 35' max</td>
</tr>
<tr>
<td>Accessory structure</td>
<td>24' max</td>
</tr>
<tr>
<td>Agriculture building</td>
<td>50’ max</td>
</tr>
</tbody>
</table>
3.2.1. Intent

Description
A-20 is intended to protect the most productive agricultural land and most sensitive natural resources in [Jurisdiction]. Residential cluster development containing single-family uses at a gross density not exceeding 1 unit per 20 acres is allowed to supplement the protection of these resources in exchange for preserving open space.

Building Types Allowed

| Detached house | see also Div. 8.2 |
| Backyard cottage | see also Div. 8.3 |
| Agriculture building |

3.2.2. Lot Dimensions

Project

| Area | 20 acres min |
| Gross density | 1 unit / 20 acres max |
| Open space required | 75% min |

| Lot | Area* | Width |
| Detached house | 1 acre | 100’ min |
| Backyard cottage | 1 acre | 100’ min |
| Agriculture building | 1 acre | 100’ min |

Coverage

| Lot coverage (max) | 10,000 SF |

*Minimum lot area may not include “constrained land.” Constrained land includes wetlands, floodways and floodplains, and slopes over 25% which are 2,000 square feet or more of contiguous sloped area.
3.2.3. Building Placement

Principal / Accessory Building Setbacks

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>30' min</td>
</tr>
<tr>
<td>Side street</td>
<td>30' min</td>
</tr>
<tr>
<td>Side interior</td>
<td>20' min</td>
</tr>
<tr>
<td>Rear</td>
<td>40' min</td>
</tr>
</tbody>
</table>

3.2.4. Building Height

Height

<table>
<thead>
<tr>
<th>Type</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal building</td>
<td>3 stories / 35' max</td>
</tr>
<tr>
<td>Accessory structure</td>
<td>24' max</td>
</tr>
<tr>
<td>Agriculture building</td>
<td>50' max</td>
</tr>
</tbody>
</table>
Div. 3.3. RC-2.5: Residential Cluster

3.3.1. Description

Intent
RC-2.5 is intended to accommodate single- and two-family uses at a gross density not exceeding 1 unit per 2.5 acres. RC-2.5 should be applied in areas of impact and in cities or towns where the existing land use pattern is predominately single- or two-family or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed. RC-2.5 allows residential cluster development in exchange for preserving open space.

Building Types Allowed
- Detached house: see also Div. 8.2
- Backyard cottage: see also Div. 8.3
- Duplex: side by side: see also Div. 8.5
- Duplex: back to back: see also Div. 8.6
- Attached house: see also Div. 8.7

3.3.2. Lot Dimensions

Project

<table>
<thead>
<tr>
<th>Gross density</th>
<th>1 unit / 2.5 acres max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space (projects 10 acres or more)</td>
<td>20% min</td>
</tr>
</tbody>
</table>

Lot

<table>
<thead>
<tr>
<th>Lot</th>
<th>A Area</th>
<th>B Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>9,000 SF min</td>
<td>75’ min</td>
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<tr>
<td>Backyard cottage</td>
<td>9,000 SF min</td>
<td>75’ min</td>
</tr>
<tr>
<td>Duplex: side by side</td>
<td>12,000 SF min</td>
<td>100’ min</td>
</tr>
<tr>
<td>Duplex: back to back</td>
<td>12,000 SF min</td>
<td>75’ min</td>
</tr>
<tr>
<td>Attached house</td>
<td>6,000 SF min</td>
<td>50’ min</td>
</tr>
</tbody>
</table>

Coverage

| Lot coverage | 50% max, not to exceed 10,000 SF |
### 3.3.3. Building Placement

| Principal Building Setbacks          |  |
|--------------------------------------|  |
| Primary street                       | 20' min | A |
| Side street                          | 20' min | B |
| Side interior                        | 10' min | C |
| Rear                                 | 20' min | D |

| Accessory Structure Setbacks         |  |
|--------------------------------------|  |
| Primary street                       | 40' min | E |
| Side street                          | 20' min | F |
| Side interior                        | 10' min | G |
| Rear                                 | 10' min | H |

### 3.3.4. Building Height

| Height                              |  |
|-------------------------------------|  |
| Principal building                  | 3 stories / 35' max | A |
| Accessory structure                | 24' max | B |
3.4.1. Amount of Open Space

The amount of required open space is set by district, and is calculated as a percentage of the gross site area.

3.4.2. Permanent Preservation

Required open space set aside in a cluster subdivision must be permanently preserved.

3.4.3. Ownership and Management of Open Space

A. Ownership

Required open space must be owned and maintained by one of the following entities:

1. Single Landowner

   A single landowner may retain the open space, subject to a conservation easement. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.

2. Land Conservancy or Land Trust

   A land conservancy or land trust may own the open space. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.

3. City or County

   A City or County may retain the open space, subject to a conservation easement. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.

4. Homeowners’ Association

   A homeowners’ association representing residents of the development may own the open space. The homeowners’ association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities is borne by the homeowners’ association.

B. Conveyance

The conveyance of open space must be in accordance with the following:

1. Open space must be conveyed to the land conservancy or land trust, local government or homeowners’ association in fee simple without any encumbrances except utility and conservation easements.

2. Title to the real property must be conveyed no later than the time of the conveyance of the first lot within the applicable phase of the development.

3. Open space must be preserved and it must be restricted against private or public ownership for any other purpose except acquisition by condemnation or in lieu of condemnation, and the granting of conservation easements.

C. Dissolution

If the homeowner’s association is dissolved, the open space may be offered to another entity who will be responsible for the maintenance and upkeep of the open space. If no other offer is accepted, the open space must be offered to the [Jurisdiction] and if accepted, deeded to the [Jurisdiction].

3.4.4. Configuration of Open Space

A. The minimum width for any required open space is 100 feet. Exceptions may be granted by the [Jurisdiction] for elements such as trail easements and linear parks.

B. Where the Idaho Department of Fish & Game designates an animal migration corridor on the property, they must be consulted as to the appropriate width of the corridor.

C. On sites of less than 200 acres, no more than one pod of development is allowed, and the remaining open space must be contiguous. Where multiple roads serve a property, additional pods of
development may be approved where they improve the protection of the key site resources by reducing the intrusion of development into the site.

D. Required open space must adjoin any neighboring areas of dedicated open space or other protected natural areas.

3.4.5. Open Space Priorities

A. Planning & Zoning Commission Authority

The final determination as to which land must be protected as required open space will be made by the Planning & Zoning Commission.

B. Primary Open Space

The following are considered primary open space areas and must be the first areas reserved as required open space:

1. Land whose elevation is lower than 2 feet above the elevation of the 100-year flood as defined by FEMA;

2. Land within 100 feet of any wetland (as defined by United States Code of Federal Regulations 40 CFR, Parts 230-233 and Part 22), and isolated wetlands or areas of special concern identified by state or local rule;

3. Slopes above 25% of at least 5,000 square feet contiguous area; and

4. Any state-designated wildlife corridor.

C. Secondary Open Space

The following are considered secondary open space areas and must be included as required open space once the primary open space areas are exhausted:

1. Significant natural features and scenic views such as ridgelines, open vistas across meadows or fields, river or stream views;

2. Specific wildlife or habitat protection areas listed in the Comprehensive Plan, including, but not limited to:
   a. Sharp-tailed grouse breeding habitat;
   b. Songbird/raptor breeding and wintering habitat;
   c. Waterbird breeding, migration and wintering habitat;
   d. Big game migration corridors and seasonal range.

3. Habitat for any species on Federal or State threatened, endangered, or species of concern lists;

4. Traditional trail access to adjacent public (federal or state) lands;

5. Natural woodlands that help block the view of the development;

6. Historic, archeological and cultural sites, cemeteries and burial grounds; and

7. Soils with severe development limitations.

3.4.6. Allowed Uses of Open Space

To the extent not otherwise prohibited by the use table for the applicable district, required open space may be used for the following:

A. Agricultural purposes (including row and field crops, pasturage, floriculture, horticulture, viticulture, sod farm, silviculture and grazing, except that feed lots or other concentrated animal feeding operations are not allowed in required open space);

B. Conservation areas for natural, archeological or historical resources;

C. Meadows, forests, wetlands, wildlife corridors, game preserves or similar conservation-oriented areas;
D. Pedestrian or multipurpose trails;

E. Passive or active recreation areas (active recreation must not constitute more than 25% of the required open space in A- Districts);

F. Water bodies such as lakes, ponds, rivers, streams and creeks and their associated floodplains and floodways;

G. Street crossings that create the minimum impact possible on the open space and are necessary for access; and

H. Easements for drainage, access and underground utility lines.

3.4.7. Prohibited Uses of Open Space

Required open space cannot be used for the following:

A. Individual wastewater disposal systems;

B. Stormwater management facilities;

C. Streets (except as allowed street crossings above); and

D. Impervious parking areas.

3.4.8. Access

Access to required open space may be restricted where necessary for public safety reasons or to prevent interference with agricultural operations, sensitive natural resources or critical wildlife habitat.
# Article 4 - Residential Districts

<table>
<thead>
<tr>
<th>Division</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Div. 4.1</td>
<td>RS-16: Residential Single-Family</td>
<td>4-2</td>
</tr>
<tr>
<td>4.1.1.</td>
<td>Intent</td>
<td>4-2</td>
</tr>
<tr>
<td>4.1.2.</td>
<td>Lot Dimensions</td>
<td>4-2</td>
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<tr>
<td>4.1.3.</td>
<td>Building Placement</td>
<td>4-3</td>
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<td>4.1.4.</td>
<td>Building Height</td>
<td>4-3</td>
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<td>RS-7: Single-Family &amp; Two-Family</td>
<td>4-4</td>
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<td>Intent</td>
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</tr>
<tr>
<td>4.2.2.</td>
<td>Lot Dimensions</td>
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<td>4.2.3.</td>
<td>Building Placement</td>
<td>4-5</td>
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<td>4.2.4.</td>
<td>Building Height</td>
<td>4-5</td>
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<tr>
<td>Div. 4.3</td>
<td>RS-5: Single-Family &amp; Two-Family</td>
<td>4-6</td>
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<td>4.3.1.</td>
<td>Intent</td>
<td>4-6</td>
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<td>4.3.2.</td>
<td>Lot Dimensions</td>
<td>4-6</td>
</tr>
<tr>
<td>4.3.3.</td>
<td>Building Placement</td>
<td>4-7</td>
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<td>4.3.4.</td>
<td>Building Height</td>
<td>4-7</td>
</tr>
<tr>
<td>Div. 4.4</td>
<td>RS-3: Single-Family &amp; Two-Family</td>
<td>4-8</td>
</tr>
<tr>
<td>4.4.1.</td>
<td>Intent</td>
<td>4-8</td>
</tr>
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<td>4.4.2.</td>
<td>Lot Dimensions</td>
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<tr>
<td>4.4.3.</td>
<td>Building Placement</td>
<td>4-9</td>
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<td>4.4.4.</td>
<td>Building Height</td>
<td>4-9</td>
</tr>
<tr>
<td>Div. 4.5</td>
<td>RM-1: Residential Multi-Family</td>
<td>4-10</td>
</tr>
<tr>
<td>4.5.1.</td>
<td>Intent</td>
<td>4-10</td>
</tr>
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<td>4.5.2.</td>
<td>Lot Dimensions</td>
<td>4-10</td>
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<td>4.5.3.</td>
<td>Building Placement</td>
<td>4-11</td>
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<td>Building Height</td>
<td>4-11</td>
</tr>
<tr>
<td>Div. 4.6</td>
<td>RM-2: Residential Multi-Family</td>
<td>4-12</td>
</tr>
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<td>4.6.1.</td>
<td>Intent</td>
<td>4-12</td>
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<td>Lot Dimensions</td>
<td>4-12</td>
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<td>4.6.3.</td>
<td>Building Placement</td>
<td>4-13</td>
</tr>
<tr>
<td>4.6.4.</td>
<td>Building Height</td>
<td>4-13</td>
</tr>
</tbody>
</table>
Div. 4.1. RS-16: Residential Single-Family

### 4.1.1. Intent

RS-16 is intended to accommodate existing single-family detached houses with a minimum lot size of 16,000 square feet. RS-16 is applied in areas where the land use pattern is predominately single-family that is served by central water and sewer facilities or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed.

### Building Types Allowed

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Minimum Lot Size</th>
<th>Minimum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>16,000 SF min</td>
<td>50% max</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>16,000 SF min</td>
<td>50% max</td>
</tr>
</tbody>
</table>

### 4.1.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>16,000 SF min</td>
<td>75’ min</td>
</tr>
<tr>
<td>Flag lot</td>
<td>16,000 SF min</td>
<td>30’ min</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>16,000 SF min</td>
<td>75’ min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coverage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>50% max</td>
</tr>
</tbody>
</table>
4.1.3. Building Placement

**Principal Building Setbacks**

- **Primary street**: 25’ min or Avg. front setback (Sec. 2.2.5)
- **Side street**: 20’ min
- **Side interior**: 10’ min
- **Rear**: 25’ min

**Accessory Structure Setbacks**

- **Primary street**: 40’ min
- **Side street**: 20’ min
- **Side interior**: 10’ min
- **Rear**: 10’ min

---

4.1.4. Building Height

**Height**

- **Principal building**: 3 stories / 35’ max
- **Accessory structure**: 24’ max
4.2.1. Intent

RS-7 is primarily intended to accommodate single-family detached houses with a minimum lot size of 7,000 square feet. Additional building types are allowed that include backyard cottage, cottage court, duplex and attached house. RS-7 should be applied in areas where the land use pattern is predominately single- or two-family that is served by central water and sewer facilities or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>7,000 SF min</td>
<td>65’ min</td>
</tr>
<tr>
<td>Flag lot</td>
<td>7,000 SF min</td>
<td>30’ min</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>7,000 SF min</td>
<td>65’ min</td>
</tr>
<tr>
<td>Cottage court</td>
<td>1,200 SF min</td>
<td>20’ min</td>
</tr>
<tr>
<td>Duplex: side by side</td>
<td>9,000 SF min</td>
<td>75’ min</td>
</tr>
<tr>
<td>Duplex: back to back</td>
<td>9,000 SF min</td>
<td>65’ min</td>
</tr>
<tr>
<td>Attached house</td>
<td>4,500 SF min</td>
<td>35’ min</td>
</tr>
</tbody>
</table>

Coverage

<table>
<thead>
<tr>
<th>Coverage</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>60%</td>
</tr>
</tbody>
</table>

4.2.2. Lot Dimensions
### 4.2.3. Building Placement

- **Principal Building Setbacks**
  - Primary street: 15’ min or Avg. front setback (Sec. 2.2.5)
  - Side street: 20’ min
  - Side interior: 10’ min
  - Rear: 20’ min
  - Rear, abutting alley: 4’ or 20’ min

- **Accessory Structure Setbacks**
  - Primary street: 40’ min
  - Side street: 20’ min
  - Side interior: 5’ min
  - Rear: 5’ min
  - Rear, abutting alley: 4’ or 20’ min

### 4.2.4. Building Height

- **Height**
  - Principal building: 3 stories / 35’ max
  - Accessory structure: 24’ max
4.3.1. Intent

RS-5 is primarily intended to accommodate single-family detached houses with a minimum lot size of 5,000 square feet. Additional building types are allowed that include backyard cottage, cottage court, duplex and attached house. RS-5 should be applied in areas where the land use pattern is predominately single-family or two-family that is served by central water and sewer facilities or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed.

4.3.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th>A Area</th>
<th>B Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>5,000 SF</td>
<td>50' min</td>
</tr>
<tr>
<td>Flag lot</td>
<td>5,000 SF</td>
<td>30' min</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>5,000 SF</td>
<td>50' min</td>
</tr>
<tr>
<td>Cottage court</td>
<td>1,200 SF</td>
<td>20' min</td>
</tr>
<tr>
<td>Duplex: side by side</td>
<td>7,000 SF</td>
<td>65' min</td>
</tr>
<tr>
<td>Duplex: back to back</td>
<td>7,000 SF</td>
<td>50' min</td>
</tr>
<tr>
<td>Attached house</td>
<td>3,500 SF</td>
<td>30' min</td>
</tr>
</tbody>
</table>

Coverage

Lot coverage 60% max
### 4.3.3. Building Placement

#### Principal Building Setbacks

- **Primary street**: 15’ min or Avg. front setback (Sec. 2.2.5)  
- **Side street**: 10’ min  
- **Side interior**: 5’ min  
- **Rear**: 15’ min  
- **Rear, abutting alley**: 4’ or 20’ min

#### Accessory Structure Setbacks

- **Primary street**: 40’ min  
- **Side street**: 10’ min  
- **Side interior**: 5’ min  
- **Rear**: 5’ min  
- **Rear, abutting alley**: 4’ or 20’ min

### 4.3.4. Building Height

- **Principal building**: 3 stories / 35’ max  
- **Accessory structure**: 24’ max
4.4.1. Intent

Description

RS-3 is primarily intended to accommodate single-family detached houses with a minimum lot size of 3,000 square feet. Additional building types are allowed that include backyard cottage, cottage court, duplex and attached house. RS-3 should be applied in areas where the land use pattern is predominately single-or two-family that is served by central water and sewer facilities or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

<table>
<thead>
<tr>
<th>Building Type</th>
<th>See Also</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>Div. 8.2</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>Div. 8.3</td>
</tr>
<tr>
<td>Cottage court</td>
<td>Div. 8.4</td>
</tr>
<tr>
<td>Duplex: side by side</td>
<td>Div. 8.5</td>
</tr>
<tr>
<td>Duplex: back to back</td>
<td>Div. 8.6</td>
</tr>
<tr>
<td>Attached house</td>
<td>Div. 8.7</td>
</tr>
</tbody>
</table>

4.4.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>3,000 SF min</td>
<td>30’ min</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>3,000 SF min</td>
<td>30’ min</td>
</tr>
<tr>
<td>Cottage court</td>
<td>1,200 SF min</td>
<td>20’ min</td>
</tr>
<tr>
<td>Duplex: side by side</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
<tr>
<td>Duplex: back to back</td>
<td>5,000 SF min</td>
<td>30’ min</td>
</tr>
<tr>
<td>Attached house</td>
<td>2,500 SF min</td>
<td>25’ min</td>
</tr>
</tbody>
</table>

All lots 40 feet or less in width are required to take vehicular access from a rear alley, except cottage courts.

Coverage

<table>
<thead>
<tr>
<th>Lot Coverage</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>70% max</td>
</tr>
</tbody>
</table>

Diagram: Primary Street and Side Street layout with lot dimensions and coverage.
4.4.3. Building Placement

**Principal Building Setbacks**
- Primary street: 15’ min or Avg. front setback (Sec. 2.2.5) [A]
- Side street: 10’ min [B]
- Side interior: 3’ min [C]
- Rear: 10’ min [D]
- Rear, abutting alley: 4’ or 20’ min [D]

**Accessory Structure Setbacks**
- Primary street: 40’ min [E]
- Side street: 10’ min [F]
- Side interior: 3’ min [G]
- Rear: 3’ min [H]
- Rear, abutting alley: 4’ or 20’ min [H]

4.4.4. Building Height

**Height**
- Principal building: 3 stories / 35’ max [A]
- Accessory structure: 24’ max [B]
Description

RM-1 is intended to accommodate a variety of residential options including single-family, two-family and multifamily (up to 4 units). Building type options include detached house, backyard cottage, cottage court, duplex, attached house and four-plex. RM-1 should be applied in areas where the existing or proposed land use pattern allows for a variety of housing options. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

- Detached house: see also Div. 8.2
- Backyard cottage: see also Div. 8.3
- Cottage court: see also Div. 8.4
- Duplex: side by side: see also Div. 8.5
- Duplex: back to back: see also Div. 8.6
- Attached house: see also Div. 8.7
- Four-plex: see also Div. 8.8

Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>3,000 SF min</td>
<td>30’ min</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>3,000 SF min</td>
<td>30’ min</td>
</tr>
<tr>
<td>Cottage court</td>
<td>1,200 SF min</td>
<td>20’ min</td>
</tr>
<tr>
<td>Duplex: side by side</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
<tr>
<td>Duplex: back to back</td>
<td>5,000 SF min</td>
<td>30’ min</td>
</tr>
<tr>
<td>Attached house</td>
<td>2,500 SF min</td>
<td>25’ min</td>
</tr>
<tr>
<td>Four-plex</td>
<td>7,000 SF min</td>
<td>65’ min</td>
</tr>
</tbody>
</table>

All lots 40 feet or less in width are required to take vehicular access from a rear alley, except cottage courts.

Coverage

- Lot coverage: 70% max
### 4.5.3. Building Placement

<table>
<thead>
<tr>
<th>Principal Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
</tr>
<tr>
<td>Side street</td>
</tr>
<tr>
<td>Side interior</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessory Structure Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
</tr>
<tr>
<td>Side street</td>
</tr>
<tr>
<td>Side interior</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
</tr>
</tbody>
</table>

### 4.5.4. Building Height

<table>
<thead>
<tr>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal building</td>
</tr>
<tr>
<td>Accessory structure</td>
</tr>
</tbody>
</table>
4.6.1. Intent

RM-2 is intended to accommodate a variety of residential options including single-family, two-family and multifamily. Building type options include detached house, backyard cottage, cottage court, duplex, attached house, four-plex, townhouse and apartment. RM-2 should be applied in areas where the existing or proposed land use pattern allows for a variety of residential options. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>3,000 SF</td>
<td>30’ min</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>3,000 SF</td>
<td>30’ min</td>
</tr>
<tr>
<td>Cottage court</td>
<td>1,200 SF</td>
<td>20’ min</td>
</tr>
<tr>
<td>Duplex: side by side</td>
<td>5,000 SF</td>
<td>50’ min</td>
</tr>
<tr>
<td>Duplex: back to back</td>
<td>5,000 SF</td>
<td>30’ min</td>
</tr>
<tr>
<td>Attached house</td>
<td>2,500 SF</td>
<td>25’ min</td>
</tr>
<tr>
<td>Four-plex</td>
<td>7,000 SF</td>
<td>65’ min</td>
</tr>
<tr>
<td>Townhouse</td>
<td>1,500 SF</td>
<td>20’ min</td>
</tr>
<tr>
<td>Apartment</td>
<td>10,000 SF</td>
<td>70’ min</td>
</tr>
</tbody>
</table>

All lots 40 feet or less in width are required to take vehicular access from a rear alley, except cottage courts.

Coverage

Lot coverage 70% max
**4.6.3. Building Placement**

**Building and Structure Setbacks**

- **Primary street**: 5’ min / 15’ max  
- **Side street**: 5’ min / 15’ max  
- **Side interior**: 5’ min  
- **Rear**: 15’ min  
- **Rear, abutting alley**: 4’ or 20’ min

**Build-to Zone (BTZ)**

- Building facade in primary street BTZ (% of lot width): 60% min  
- Building facade in side street BTZ (% of lot width): 30% min

**4.6.4. Building Height**

- All buildings and structures: 3.5 stories / 40’ max
Article 5 - Mixed Use Districts

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  5.1.3. Building Placement.........................................5-3
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  5.4.4. Building Height..............................................5-9

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  5.7.3. Building Placement.........................................5-15
  5.7.4. Building Height..............................................5-15
Div. 5.1. RX: Residential Mixed Use

5.1.1. Intent

RX is intended to accommodate working and living in close proximity to one another, including in the same physical space. Building type options include townhouse and live work. RX should be applied in areas where the existing or proposed land use pattern promotes live work uses. Uses that would substantially interfere with the live work nature of the district are not allowed.

Building Types Allowed

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse</td>
<td>1,500 SF min</td>
<td>20’ min</td>
</tr>
<tr>
<td>Live work</td>
<td>1,100 SF min</td>
<td>15’ min</td>
</tr>
</tbody>
</table>

5.1.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th>A Area</th>
<th>B Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse</td>
<td>1,500 SF min</td>
<td>20’ min</td>
</tr>
<tr>
<td>Live work</td>
<td>1,100 SF min</td>
<td>15’ min</td>
</tr>
</tbody>
</table>

Coverage

| Lot coverage | 80% max |
### 5.1.3. Building Placement

<table>
<thead>
<tr>
<th>Setback Location</th>
<th>Minimum / Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>0’ min / 10’ max</td>
</tr>
<tr>
<td>Side street</td>
<td>0’ min / 10’ max</td>
</tr>
<tr>
<td>Side interior</td>
<td>0’ or 5’ min</td>
</tr>
<tr>
<td>Rear</td>
<td>20’ min</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
<td>4’ or 20’ min</td>
</tr>
</tbody>
</table>

### Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>BTZ Dimension</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building facade in primary street</td>
<td>70% min</td>
</tr>
<tr>
<td>Building facade in side street</td>
<td>35% min</td>
</tr>
</tbody>
</table>

### 5.1.4. Building Height

<table>
<thead>
<tr>
<th>Height Dimension</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings and structures</td>
<td>3 stories / 35’ max</td>
</tr>
</tbody>
</table>
5.2. NX: Neighborhood Mixed Use

5.2.1. Intent

NX is intended to accommodate neighborhood-oriented commercial facilities. The intent of the district is to provide small-scale service establishments close to residential and to ensure buildings and uses are compatible with the character of nearby neighborhoods. Building type options include detached house, backyard cottage, four-plex and shopfront house. NX should be applied in areas where the existing or proposed land use pattern has commercial activity close to established residential areas.

5.2.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Building Types Allowed</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>7,000 SF min</td>
<td>65’ min</td>
</tr>
<tr>
<td>Backyard cottage</td>
<td>7,000 SF min</td>
<td>65’ min</td>
</tr>
<tr>
<td>Four-plex</td>
<td>7,000 SF min</td>
<td>65’ min</td>
</tr>
<tr>
<td>Shopfront house</td>
<td>7,000 SF min</td>
<td>65’ min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coverage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>70% max</td>
</tr>
</tbody>
</table>
5.2.3. Building Placement

Building and Structure Setbacks

<table>
<thead>
<tr>
<th>Area</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>10’ min / 30’ max</td>
</tr>
<tr>
<td>Side street</td>
<td>10’ min / 30’ max</td>
</tr>
<tr>
<td>Side interior</td>
<td>5’ min</td>
</tr>
<tr>
<td>Rear</td>
<td>20’ min</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
<td>4’ or 20’ min</td>
</tr>
</tbody>
</table>

Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building facade in primary street BTZ (% of lot width)</td>
<td>50% min</td>
</tr>
<tr>
<td>Building facade in side street BTZ (% of lot width)</td>
<td>25% min</td>
</tr>
</tbody>
</table>

Accessory Structure Setbacks

<table>
<thead>
<tr>
<th>Area</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>40’ min</td>
</tr>
<tr>
<td>Side street</td>
<td>10’ min</td>
</tr>
<tr>
<td>Side interior</td>
<td>5’ min</td>
</tr>
<tr>
<td>Rear</td>
<td>5’ min</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
<td>4’ or 20’ min</td>
</tr>
</tbody>
</table>

5.2.4. Building Height

Height

<table>
<thead>
<tr>
<th>Type</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal building</td>
<td>3 stories / 35’ max</td>
</tr>
<tr>
<td>Accessory structure</td>
<td>24’ max</td>
</tr>
</tbody>
</table>
5.3.1. Intent

Description
CX is intended to accommodate a broader range of residential and nonresidential activity than NX. To promote walkability and compatibility, auto-oriented uses are restricted. Building type options include townhouse, apartment, live work, shopfront house, single-story shopfront, mixed use shopfront and general building. CX should be applied in areas where the existing or proposed land use pattern promotes mixed use and pedestrian-oriented activity.

Building Types Allowed

<table>
<thead>
<tr>
<th>Building Type</th>
<th>See Also</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse</td>
<td>Div. 8.9</td>
</tr>
<tr>
<td>Apartment</td>
<td>Div. 8.10</td>
</tr>
<tr>
<td>Live work</td>
<td>Div. 8.11</td>
</tr>
<tr>
<td>Shopfront house</td>
<td>Div. 8.12</td>
</tr>
<tr>
<td>Single-story shopfront</td>
<td>Div. 8.13</td>
</tr>
<tr>
<td>Mixed use shopfront</td>
<td>Div. 8.14</td>
</tr>
<tr>
<td>General building</td>
<td>Div. 8.15</td>
</tr>
</tbody>
</table>

5.3.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse</td>
<td>1,500 SF</td>
<td>20' min</td>
</tr>
<tr>
<td>Apartment</td>
<td>5,000 SF</td>
<td>50' min</td>
</tr>
<tr>
<td>Live work</td>
<td>1,100 SF</td>
<td>15' min</td>
</tr>
<tr>
<td>Shopfront house</td>
<td>5,000 SF</td>
<td>50' min</td>
</tr>
<tr>
<td>Single-story shopfront</td>
<td>5,000 SF</td>
<td>50' min</td>
</tr>
<tr>
<td>Mixed use shopfront</td>
<td>5,000 SF</td>
<td>50' min</td>
</tr>
<tr>
<td>General building</td>
<td>5,000 SF</td>
<td>50' min</td>
</tr>
</tbody>
</table>

Coverage
Lot coverage 80% max
### Building and Structure Setbacks

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>0’ min / 10’ max</td>
</tr>
<tr>
<td>Side street</td>
<td>0’ min / 10’ max</td>
</tr>
<tr>
<td>Side interior</td>
<td>0 or 5’ min</td>
</tr>
<tr>
<td>Rear</td>
<td>0 or 5’ min</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
<td>4’ or 20’ min</td>
</tr>
</tbody>
</table>

### Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>Location</th>
<th>BTZ (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building facade in primary street</td>
<td>70% min</td>
</tr>
<tr>
<td>Building facade in side street</td>
<td>30% min</td>
</tr>
</tbody>
</table>

### Parking Location

<table>
<thead>
<tr>
<th>Location</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Corner yard</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Side yard</td>
<td>Allowed</td>
</tr>
<tr>
<td>Rear yard</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

### Height

<table>
<thead>
<tr>
<th>Buildings and Structures</th>
<th>Max Stories / Max Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings and structures</td>
<td>3.5 stories / 40’ max</td>
</tr>
</tbody>
</table>
5.4. DX: Downtown Mixed Use

5.4.1. Intent

Description

DX is intended to provide for mixed use, pedestrian-oriented development in downtown. To promote walkability and to encourage street level retail activity, auto-oriented and ground floor residential uses are restricted. Building type options include live work, single-story shopfront and mixed use shopfront. DX should be applied in areas where the existing or proposed land use pattern promotes the highest levels of pedestrian and mixed use activity in the community.

Building Types Allowed

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live work</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Single-story shopfront</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Mixed use shopfront</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

5.4.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot Coverage</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>90% max</td>
<td></td>
</tr>
</tbody>
</table>
5.4.3. Building Placement

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>0’ min / 5’ max</td>
</tr>
<tr>
<td>Side street</td>
<td>0’ min / 5’ max</td>
</tr>
<tr>
<td>Side interior</td>
<td>0 or 5’ min</td>
</tr>
<tr>
<td>Rear</td>
<td>0 or 5’ min</td>
</tr>
<tr>
<td>Rear, abutting alley</td>
<td>4’ or 20’ min</td>
</tr>
</tbody>
</table>

5.4.4. Building Height

<table>
<thead>
<tr>
<th>Category</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings and structures</td>
<td>4 stories / 50’ max</td>
</tr>
</tbody>
</table>

Building and Structure Setbacks

Build-to Zone (BTZ)

- Building facade in primary street BTZ (% of lot width) 80% min
- Building facade in side street BTZ (% of lot width) 40% min

Parking Location

- Front yard: Not Allowed
- Corner yard: Not Allowed
- Side yard: Allowed
- Rear yard: Allowed
5.5.1. Intent

Description
CC is intended to serve as commercial gateway and to take advantage of proximity to major roadways, therefore the quality and aesthetics of new development is very important. Building type options include live work, shopfront house, single-story shopfront, mixed use shopfront and general building. CC should be applied along commercial corridors that serve as entrances to downtown or other pedestrian-oriented activity areas.

Building Types Allowed

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live work</td>
<td>1,100 SF min</td>
<td>15’ min</td>
</tr>
<tr>
<td>Shopfront house</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
<tr>
<td>Single-story shopfront</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
<tr>
<td>Mixed use shopfront</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
<tr>
<td>General building</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
</tbody>
</table>

5.5.2. Lot Dimensions

| Lot coverage             | 70% max    |
### 5.5.3. Building Placement

<table>
<thead>
<tr>
<th>Location</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>15' min / 50' max</td>
</tr>
<tr>
<td>Side street</td>
<td>0' min / 50' max</td>
</tr>
<tr>
<td>Side interior</td>
<td>10' min</td>
</tr>
<tr>
<td>Rear</td>
<td>10' min</td>
</tr>
</tbody>
</table>

#### Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>Location</th>
<th>BTZ (% of lot width)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building facade in primary street</td>
<td>50% min</td>
</tr>
<tr>
<td>Building facade in side street</td>
<td>25% min</td>
</tr>
</tbody>
</table>

#### Parking Location

<table>
<thead>
<tr>
<th>Location</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Corner yard</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Side yard</td>
<td>Allowed</td>
</tr>
<tr>
<td>Rear yard</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

### 5.5.4. Building Height

#### Height

- All buildings and structures: 3 stories / 35' max

---

Land Development Code | [Jurisdiction] | 5-11
5.6.1. Intent

Description
CH is intended for auto-oriented and heavy commercial uses. To help ensure compatibility, residential uses are not allowed. Building type options include single-story shopfront and general building. CH should be applied in areas where the existing or proposed land use pattern contains a variety of auto-oriented and heavy commercial uses.

Building Types Allowed
- Single-story shopfront: see also Div. 8.13
- General building: see also Div. 8.15

5.6.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-story shopfront</td>
<td>7,000 SF</td>
<td>70' min</td>
</tr>
<tr>
<td>General building</td>
<td>7,000 SF</td>
<td>70' min</td>
</tr>
</tbody>
</table>

Coverage
- Lot coverage: 70% max
5.6.3. Building Placement

<table>
<thead>
<tr>
<th>Building and Structure Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>20’ min</td>
</tr>
<tr>
<td>Side street</td>
<td>20’ min</td>
</tr>
<tr>
<td>Side interior</td>
<td>20’ min</td>
</tr>
<tr>
<td>Rear</td>
<td>20’ min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Location</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>Allowed</td>
</tr>
<tr>
<td>Corner yard</td>
<td>Allowed</td>
</tr>
<tr>
<td>Side yard</td>
<td>Allowed</td>
</tr>
<tr>
<td>Rear yard</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

5.6.4. Building Height

<table>
<thead>
<tr>
<th>Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings and structures</td>
<td>3 stories / 35’ max</td>
</tr>
</tbody>
</table>

Primary Street

Side Street

Interior Side

Rear
5.7.1. Intent

Description
IX is intended to accommodate a variety of light industrial, commercial and residential uses. To help ensure that land is reserved for employment purposes, residential uses are limited to the upper stories. Building type options include live-work, single-story shopfront, mixed use shopfront and general building. IX should be applied in industrial areas where commercial and residential uses are also desired, or where such pattern is desired in the future.

Building Types Allowed

<table>
<thead>
<tr>
<th>Building Types Allowed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Live work</td>
<td>see also Div. 8.11</td>
</tr>
<tr>
<td>Shopfront house</td>
<td>see also Div. 8.12</td>
</tr>
<tr>
<td>Single-story shopfront</td>
<td>see also Div. 8.13</td>
</tr>
<tr>
<td>Mixed use shopfront</td>
<td>see also Div. 8.14</td>
</tr>
<tr>
<td>General building</td>
<td>see also Div. 8.15</td>
</tr>
</tbody>
</table>

5.7.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th>Area</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live work</td>
<td>1,100 SF min</td>
<td>15' min</td>
</tr>
<tr>
<td>Shopfront house</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
<tr>
<td>Single-story shopfront</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
<tr>
<td>Mixed use shopfront</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
<tr>
<td>General building</td>
<td>5,000 SF min</td>
<td>50’ min</td>
</tr>
</tbody>
</table>

Coverage
Lot coverage 70% max
5.7.3. Building Placement

<table>
<thead>
<tr>
<th>Building and Structure Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
</tr>
<tr>
<td>Side street</td>
</tr>
<tr>
<td>Side interior</td>
</tr>
<tr>
<td>Rear</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
</tr>
<tr>
<td>Corner yard</td>
</tr>
<tr>
<td>Side yard</td>
</tr>
<tr>
<td>Rear yard</td>
</tr>
</tbody>
</table>

5.7.4. Building Height

<table>
<thead>
<tr>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings and structures</td>
</tr>
</tbody>
</table>
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   6.1.3. Building Placement ......................................... 6-3
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6.1.1. Intent

Description
IL is intended to accommodate manufacturing and light industrial uses in order promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses. IL should be applied in established light industrial or manufacturing areas or where such a land use pattern is desired in the future.

Building Types Allowed
Building types are not applicable in the IL district.

6.1.2. Lot Dimensions

Lot

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>7,000 SF min</td>
</tr>
<tr>
<td>Width</td>
<td>70’ min</td>
</tr>
<tr>
<td>Lot coverage</td>
<td>70% max</td>
</tr>
</tbody>
</table>

Primary Street

Side Street

A

B
6.1.3. Building Placement

<table>
<thead>
<tr>
<th>Building and Structure Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>20' min</td>
</tr>
<tr>
<td>Side street</td>
<td>20' min</td>
</tr>
<tr>
<td>Side interior</td>
<td>20' min</td>
</tr>
<tr>
<td>Rear</td>
<td>20' min</td>
</tr>
</tbody>
</table>

Parking Location

| Front yard | Allowed |
| Corner yard | Allowed |
| Side yard | Allowed |
| Rear yard | Allowed |

6.1.4. Building Height

<table>
<thead>
<tr>
<th>Height</th>
<th>All buildings and structures 3 stories / 35' max</th>
</tr>
</thead>
</table>
6.2.1. Intent

Description
IH is intended to accommodate a broad range of high-impact manufacturing or industrial uses, that by their nature create a nuisance, and which are not properly associated with or are not compatible with nearby residential or commercial uses. IH should be applied in established heavy industrial areas or where such a land use pattern is desired in the future.

Building Types Allowed
Building types are not applicable in the IH district.

6.2.2. Lot Dimensions

Lot

<table>
<thead>
<tr>
<th>Description</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>7,000 SF min</td>
</tr>
<tr>
<td>Width</td>
<td>70’ min</td>
</tr>
</tbody>
</table>

Coverage

<table>
<thead>
<tr>
<th>Description</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>80% max</td>
</tr>
</tbody>
</table>
### 6.2.3. Building Placement

- **Building and Structure Setbacks**
  - Primary street: 20’ min
  - Side street: 20’ min
  - Side interior: 20’ min
  - Rear: 20’ min

- **Parking Location**
  - Front yard: Allowed
  - Corner yard: Allowed
  - Side yard: Allowed
  - Rear yard: Allowed

### 6.2.4. Building Height

- **Height**
  - All buildings and structures: 3 stories / 35’ max
Article 7 - Civic/Open Space Districts

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7.1.1. Intent
7.1.2. Lot Dimensions
7.1.3. Building Placement
7.1.4. Building Height

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7.2.1. Intent
7.2.2. Lot Dimensions
7.2.3. Building Placement
7.2.4. Building Height

Div. 7.3. CON: Conservation
7.3.1. Intent
7.3.2. Lot Dimensions
7.3.3. Building Placement
7.3.4. Building Height
7.1.1. Intent

Description

CIV is intended to provide for civic uses that serve the surrounding neighborhoods or produce intensive civic activities that do not readily assimilate into other zoning districts.

Building Types Allowed

Building types are not applicable in the CIV district.

7.1.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th>Area</th>
<th>7,000 SF min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>70’ min</td>
<td></td>
</tr>
</tbody>
</table>

Coverage

Lot coverage | 70% max
7.1.3. Building Placement

Building and Structure Setbacks

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>10’ min</td>
</tr>
<tr>
<td>Side street</td>
<td>10’ min</td>
</tr>
<tr>
<td>Side interior</td>
<td>10’ min</td>
</tr>
<tr>
<td>Rear</td>
<td>10’ min</td>
</tr>
</tbody>
</table>

Parking Location

<table>
<thead>
<tr>
<th>Location</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>Allowed</td>
</tr>
<tr>
<td>Corner yard</td>
<td>Allowed</td>
</tr>
<tr>
<td>Side yard</td>
<td>Allowed</td>
</tr>
<tr>
<td>Rear yard</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

7.1.4. Building Height

Height

All buildings and structures: 3 stories / 35’ max
7.2.1. Intent

**Description**

REC is intended to create, preserve and enhance parkland to meet the active and recreational needs of residents. REC is intended to provide for both improved and unimproved parkland. Activities may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, recreational fields, ballfields, sport courts, dog parks and associated accessory facilities such as parking areas and restrooms. REC is also intended to accommodate buildings of a public nature such as community centers, recreation centers, and police, fire or EMS stations.

**Building Types Allowed**

Building types are not applicable in the REC district.

7.2.2. Lot Dimensions

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot</strong></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>2 acres min</td>
</tr>
<tr>
<td>Width</td>
<td>50’ min</td>
</tr>
<tr>
<td><strong>Coverage</strong></td>
<td></td>
</tr>
<tr>
<td>Lot coverage</td>
<td>50% max</td>
</tr>
</tbody>
</table>
### Building and Structure Setbacks

- **Primary street**: 10’ min  
- **Side street**: 10’ min  
- **Side interior**: 10’ min  
- **Rear**: 10’ min

### Parking Location

- **Front yard**: Allowed  
- **Corner yard**: Allowed  
- **Side yard**: Allowed  
- **Rear yard**: Allowed

### Height

All buildings and structures: 35’ max
7.3.1. Intent

Description

CON is intended to create, preserve, and enhance land for permanent conservation. All lands within the district are intended to be unoccupied or predominately unoccupied by buildings or other impervious surfaces.

Building Types Allowed

Building types are not applicable in the CON district.

7.3.2. Lot Dimensions

<table>
<thead>
<tr>
<th>Lot</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>2 acres min</td>
<td>A</td>
</tr>
<tr>
<td>Width</td>
<td>25’ min</td>
<td>B</td>
</tr>
</tbody>
</table>

Coverage

| Lot coverage | 5% max |
### 7.3.3. Building Placement

<table>
<thead>
<tr>
<th>Building and Structure Setbacks</th>
<th>Primary street 30' min</th>
<th>Side street 30' min</th>
<th>Side interior 30' min</th>
<th>Rear 30' min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Location</td>
<td>Front yard Not Allowed</td>
<td>Corner yard Not Allowed</td>
<td>Side yard Not Allowed</td>
<td>Rear yard Not Allowed</td>
</tr>
</tbody>
</table>

### 7.3.4. Building Height

- All buildings and structures: 35' max

---

**Building and Structure Setbacks**

- **Primary street**: 30' min
- **Side street**: 30' min
- **Side interior**: 30' min
- **Rear**: 30' min

**Parking Location**

- **Front yard**: Not Allowed
- **Corner yard**: Not Allowed
- **Side yard**: Not Allowed
- **Rear yard**: Not Allowed

---

**Primary Street**

**Side Street**

---

**Parking Location**

- **Front yard**: Not Allowed
- **Corner yard**: Not Allowed
- **Side yard**: Not Allowed
- **Rear yard**: Not Allowed

---

**Height**

- All buildings and structures: 35' max
Article 8 - Building Types

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## Div. 8.1. Building Type Descriptions

<table>
<thead>
<tr>
<th>Building Type</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached House</td>
<td>AG-40 AG-20 RC-2.5 RS-16 RS-7 RS-5 RS-3 RM-1 RM-2 NX</td>
</tr>
<tr>
<td>Backyard Cottage</td>
<td>AG-40 AG-20 RC-2.5 RS-16 RS-7 RS-5 RS-3 RM-1 RM-2 NX</td>
</tr>
<tr>
<td>Cottage Court</td>
<td>RS-7 RS-5 RS-3 RM-1 RM-2</td>
</tr>
<tr>
<td>Duplex: Side by Side</td>
<td>RC-2.5 RS-7 RS-5 RS-3 RM-1 RM-2</td>
</tr>
<tr>
<td>Duplex: Back to Back</td>
<td>RC-2.5 RS-7 RS-5 RS-3 RM-1 RM-2</td>
</tr>
<tr>
<td>Attached House</td>
<td>RC-2.5 RS-7 RS-5 RS-3 RM-1 RM-2</td>
</tr>
<tr>
<td>Four-plex</td>
<td>RM-1 RM-2 NX</td>
</tr>
<tr>
<td>Building Type</td>
<td>District</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>Townhouse.</strong> A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.</td>
<td>RM-2, RX, CX</td>
</tr>
<tr>
<td><strong>Apartment.</strong> A building type that accommodates 5 or more dwelling units vertically and horizontally integrated.</td>
<td>RM-2, CX</td>
</tr>
<tr>
<td><strong>Live Work.</strong> A building type that accommodates 3 or more units. Units allow for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.</td>
<td>RX, CX, DX, CC</td>
</tr>
<tr>
<td><strong>Shopfront House.</strong> A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.</td>
<td>NX, CX, CC</td>
</tr>
<tr>
<td><strong>Single-Story Shopfront.</strong> A single-story building type that typically accommodates retail or commercial uses.</td>
<td>CX, DX, CC, CH</td>
</tr>
<tr>
<td><strong>Mixed Use Shopfront.</strong> A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses</td>
<td>CX, DX, CC</td>
</tr>
<tr>
<td><strong>General Building.</strong> A building type that typically accommodates commercial, office or industrial uses.</td>
<td>CX, CC, CH</td>
</tr>
</tbody>
</table>
Div. 8.2. Detached House

8.2.1. Description

<table>
<thead>
<tr>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>A building type that accommodates one dwelling unit on an individual lot with yards on all sides</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Districts Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG-40</td>
</tr>
<tr>
<td>RS-16</td>
</tr>
<tr>
<td>RS-3</td>
</tr>
<tr>
<td>RM-1</td>
</tr>
<tr>
<td>NX</td>
</tr>
</tbody>
</table>
### 8.2.2. Lot and Placement

<table>
<thead>
<tr>
<th>Lot</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Set by district</td>
</tr>
<tr>
<td>Width</td>
<td>Set by district</td>
</tr>
<tr>
<td>Dwelling units per lot</td>
<td>1 min / 1 max</td>
</tr>
</tbody>
</table>

**Coverage**

| Lot coverage                            | set by district   |

**Building and Structure Setbacks**

| Primary street                          | set by district   |
| Side street                              | set by district   |
| Side interior                           | set by district   |
| Rear                                     | set by district   |

**Build-to Zone (BTZ)**

| Building facade in primary street BTZ (% of lot width) | Does not apply |
| Building facade in side street BTZ (% of lot width)   | Does not apply |

### 8.2.3. Height and Form

<table>
<thead>
<tr>
<th>Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal building</td>
<td>3 stories / 35' max</td>
</tr>
<tr>
<td>Accessory structure</td>
<td>24’ max</td>
</tr>
<tr>
<td>Ground floor elevation</td>
<td>2’ min</td>
</tr>
</tbody>
</table>

**Pedestrian Access**

| Entrance facing primary street           | Required          |

**Building Elements Allowed**

- Balcony: see Sec. 8.16.3
- Porch: see Sec. 8.16.6
- Stoop: see Sec. 8.16.7

**Parking Location**

- Front/corner yard restrictions: see Sec. 8.17.2
- Garage door restrictions: see Sec. 8.17.1
### 8.3.1. Description

**Definition**
A small self-contained accessory dwelling unit located on the same lot as a detached house but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.

**Districts Allowed**

<table>
<thead>
<tr>
<th>AG-40</th>
<th>AG-20</th>
<th>RC-2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-16</td>
<td>RS-7</td>
<td>RS-5</td>
</tr>
<tr>
<td>RS-3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RM-1</td>
<td>RM-2</td>
<td></td>
</tr>
<tr>
<td>NX</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 8.3.2. Lot and Placement

<table>
<thead>
<tr>
<th>Lot</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td>Set by district</td>
</tr>
<tr>
<td><strong>Width</strong></td>
<td>Set by district</td>
</tr>
<tr>
<td><strong>Dwelling units per lot</strong></td>
<td>2 min / 2 max</td>
</tr>
</tbody>
</table>

**Coverage**

| Lot coverage                  | set by district | C |
| Heated floor area             | see Sec. 10.8.2 |

**Building and Structure Setbacks**

| Primary street                | set by district | D |
| Side street                   | set by district | E |
| Side interior                 | set by district | F |
| Rear                          | set by district | G |
| **Building separation**       | 10’ min         | H |

**Build-to Zone (BTZ)**

| Building facade in primary street BTZ (% of lot width) | Does not apply |
| Building facade in side street BTZ (% of lot width)   | Does not apply |

### 8.3.3. Height and Form

<table>
<thead>
<tr>
<th>Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal building</strong></td>
<td>3 stories / 35’ max</td>
</tr>
<tr>
<td><strong>Accessory structure</strong></td>
<td>24’ max</td>
</tr>
</tbody>
</table>

**Pedestrian Access**

| Entrance facing primary street | Does not apply |

**Building Elements Allowed**

| Balcony                       | Does not apply |
| Porch                         | Does not apply |
| Stoop                         | Does not apply |

**Parking Location**

| Front/corner yard restrictions | Does not apply |
| Additional on-site parking     | 1 space min   |
| Garage door restrictions       | see Sec. 8.17.1 |
8.4.1. Description

Definition
A building type that accommodates 5 to 9 detached dwelling units organized around an internal shared courtyard.

Districts Allowed
- RS-7
- RS-5
- RS-3
- RM-1
- RM-2
### 8.4.2. Lot and Placement

**Site**
- Site area: 22,500 SF min
- Site width/depth: 150’ min
- Dwelling units per site: 5 min / 9 max
- Additional site area per dwelling unit beyond 5 units: 4,500 SF min

**Lot**
- Area: 1,200 SF min
- Width: 20’ min

**Coverage**
- Lot coverage: Does not apply
- Principal building footprint: 1,200 SF max

**Building and Structure Setbacks**
- Primary street: set by district
- Side street: set by district
- Side interior: set by district
- Rear: set by district

**Build-to Zone (BTZ)**
- Building facade in primary street BTZ (% of lot width): Does not apply
- Building facade in side street BTZ (% of lot width): Does not apply

### 8.4.3. Height and Form

**Height**
- Principal building: 1.5 stories / 24’ max
- Building wall plate height: 18’ max
- Accessory structure: 18’ max
- Ground floor elevation: 2’ min

**Courtyard**
- Area: 3,000 SF max
- Width: 40’ min
- Additional site area per dwelling unit beyond 5 units: 600 SF min
- Courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events

**Pedestrian Access**
- Entrance facing primary street: Required for units facing street

**Building Elements Allowed**
- Balcony: see Sec. 8.16.3
- Porch: see Sec. 8.16.6
- Stoop: see Sec. 8.16.7

**Parking Location**
- Front/corner yard: Not allowed
- Garage door restrictions: see Sec. 8.17.1
Div. 8.5. Duplex: Side by Side

8.5.1. Description

**Definition**

A building type that accommodates two dwelling units on an individual lot separated vertically side by side that share a common wall.

**Districts Allowed**

- RC-2.5
- RS-7
- RS-5
- RS-3
- RM-1
- RM-2
### 8.5.2. Lot and Placement

<table>
<thead>
<tr>
<th><strong>Lot</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td>Set by district</td>
</tr>
<tr>
<td><strong>Width</strong></td>
<td>Set by district</td>
</tr>
<tr>
<td><strong>Dwelling units per lot</strong></td>
<td>2 min / 2 max</td>
</tr>
</tbody>
</table>

**Coverage**

| **Lot coverage** | set by district |

**Building and Structure Setbacks**

<table>
<thead>
<tr>
<th><strong>Primary street</strong></th>
<th>set by district</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Side street</strong></td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Side interior</strong></td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>set by district</td>
</tr>
</tbody>
</table>

**Build-to Zone (BTZ)**

| **Building facade in primary street BTZ (% of lot width)** | Does not apply |
| **Building facade in side street BTZ (% of lot width)** | Does not apply |

### 8.5.3. Height and Form

<table>
<thead>
<tr>
<th><strong>Height</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal building</strong></td>
<td>3 stories / 35’ max</td>
</tr>
<tr>
<td><strong>Accessory structure</strong></td>
<td>24’ max</td>
</tr>
<tr>
<td><strong>Ground floor elevation</strong></td>
<td>2’ min</td>
</tr>
</tbody>
</table>

**Pedestrian Access**

| **Entrance facing primary street** | Required |

**Building Elements Allowed**

<table>
<thead>
<tr>
<th><strong>Balcony</strong></th>
<th>see Sec. 8.16.3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Porch</strong></td>
<td>see Sec. 8.16.6</td>
</tr>
<tr>
<td><strong>Stoop</strong></td>
<td>see Sec. 8.16.7</td>
</tr>
</tbody>
</table>

**Parking Location**

| **Front/corner yard restrictions** | see Sec. 8.17.2 |
| **Garage door restrictions**       | see Sec. 8.17.1 |
8.6.1. Description

**Definition**
A building type that accommodates two dwelling units on an individual lot separated vertically with one unit located directly behind the other unit that share a common wall.

**Districts Allowed**
- RC-2.5
- RS-7
- RS-5
- RS-3
- RM-1
- RM-2
### 8.6.2. Lot and Placement

<table>
<thead>
<tr>
<th>Lot</th>
<th>Area</th>
<th>Set by district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>Set by district</td>
<td></td>
</tr>
<tr>
<td>Depth</td>
<td>125'</td>
<td></td>
</tr>
<tr>
<td>Dwelling units per lot</td>
<td>2 min / 2 max</td>
<td></td>
</tr>
</tbody>
</table>

#### Coverage

| Lot coverage | Set by district |

#### Building and Structure Setbacks

| Primary street | Set by district |
| Side street | Set by district |
| Side interior | Set by district |
| Rear | Set by district |

#### Build-to Zone (BTZ)

| Building facade in primary street BTZ (% of lot width) | Does not apply |
| Building facade in side street BTZ (% of lot width) | Does not apply |

### 8.6.3. Height and Form

#### Height

| Principal building | 3 stories / 35' max |
| Accessory structure | 24' max |
| Ground floor elevation (front unit only) | 2' min |

#### Pedestrian Access

| Entrance facing primary street (front unit only) | Required |

#### Building Elements Allowed

| Balcony | see Sec. 8.16.3 |
| Porch | see Sec. 8.16.6 |
| Stoop | see Sec. 8.16.7 |

#### Parking Location

| Front/corner yard restrictions | see Sec. 8.17.2 |
| Garage door restrictions | see Sec. 8.17.1 |
Div. 8.7. Attached House

8.7.1. Description

**Definition**
A building type that accommodates two attached dwelling units located on two separate lots that share a common wall along a lot line.

**Districts Allowed**
- RC-2.5
- RS-7
- RS-5
- RS-3
- RM-1
- RM-2
8.7.2. Lot and Placement

<table>
<thead>
<tr>
<th>Lot</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Set by district</td>
</tr>
<tr>
<td>Width</td>
<td>Set by district</td>
</tr>
<tr>
<td>Dwelling units per lot</td>
<td>1 min / 1 max</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coverage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>set by district</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building and Structure Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>set by district</td>
</tr>
<tr>
<td>Side street</td>
<td>set by district</td>
</tr>
<tr>
<td>Side interior</td>
<td>set by district</td>
</tr>
<tr>
<td>Rear</td>
<td>set by district</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building facade in primary street BTZ (% of lot width)</td>
<td>Does not apply</td>
</tr>
<tr>
<td>Building facade in side street BTZ (% of lot width)</td>
<td>Does not apply</td>
</tr>
</tbody>
</table>

8.7.3. Height and Form

<table>
<thead>
<tr>
<th>Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal building</td>
<td>3 stories / 35’ max</td>
</tr>
<tr>
<td>Accessory structure</td>
<td>24’ max</td>
</tr>
<tr>
<td>Ground floor elevation</td>
<td>2’ min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pedestrian Access</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrance facing primary street</td>
<td>Required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Elements Allowed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Balcony</td>
<td>see Sec. 8.16.3</td>
</tr>
<tr>
<td>Porch</td>
<td>see Sec. 8.16.6</td>
</tr>
<tr>
<td>Stoop</td>
<td>see Sec. 8.16.7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Location</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front/corner yard restrictions</td>
<td>see Sec. 8.17.2</td>
</tr>
<tr>
<td>Garage door restrictions</td>
<td>see Sec. 8.17.1</td>
</tr>
</tbody>
</table>
Div. 8.8. Four-Plex

8.8.1. Description

**Definition**
A building type that accommodates 3 to 4 dwelling units vertically or horizontally integrated.

**Districts Allowed**
- RM-1
- RM-2
- NX
### 8.8.2. Lot and Placement

<table>
<thead>
<tr>
<th>Lot</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
<td>7,000 SF min</td>
</tr>
<tr>
<td><strong>Width</strong></td>
<td>65 min</td>
</tr>
<tr>
<td><strong>Dwelling units per lot</strong></td>
<td>3 min / 4 max</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coverage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot coverage</strong></td>
<td>set by district</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building and Structure Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary street</strong></td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Side street</strong></td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Side interior</strong></td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>set by district</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building facade in primary street BTZ (% of lot width)</strong></td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Building facade in side street BTZ (% of lot width)</strong></td>
<td>set by district</td>
</tr>
</tbody>
</table>

### 8.8.3. Height and Form

<table>
<thead>
<tr>
<th>Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal building</strong></td>
<td>3 stories / 35’ max</td>
</tr>
<tr>
<td><strong>Accessory structure</strong></td>
<td>24’ max</td>
</tr>
<tr>
<td><strong>Ground floor elevation</strong></td>
<td>2’ min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transparency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground story</strong></td>
<td>20% min</td>
</tr>
<tr>
<td><strong>Upper story</strong></td>
<td>20% min</td>
</tr>
<tr>
<td><strong>Blank wall area</strong></td>
<td>35’ max</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pedestrian Access</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Entrance facing primary street</strong></td>
<td>Required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Elements Allowed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Awning/canopy</strong></td>
<td>see Sec. 8.16.2</td>
</tr>
<tr>
<td><strong>Balcony</strong></td>
<td>see Sec. 8.16.3</td>
</tr>
<tr>
<td><strong>Porch</strong></td>
<td>see Sec. 8.16.6</td>
</tr>
<tr>
<td><strong>Stoop</strong></td>
<td>see Sec. 8.16.7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Location</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front/corner yard</strong></td>
<td>Not allowed</td>
</tr>
<tr>
<td><strong>Garage door restrictions</strong></td>
<td>see Sec. 8.17.1</td>
</tr>
</tbody>
</table>
8.9.1. Description

Definition
A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.

Districts Allowed

| RM-2 | RX | CX |
### 8.9.2. Lot and Placement

<table>
<thead>
<tr>
<th>Site</th>
<th>Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site area</td>
<td>5,000 SF min</td>
</tr>
<tr>
<td>Site width</td>
<td>70' min</td>
</tr>
<tr>
<td>Dwelling units per lot</td>
<td>1 min / no max</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>1,500 SF min</td>
</tr>
<tr>
<td>Width</td>
<td>20' min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Building and Structure Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>set by district</td>
</tr>
<tr>
<td>Side street</td>
<td>set by district</td>
</tr>
<tr>
<td>Side interior</td>
<td>set by district</td>
</tr>
<tr>
<td>Rear</td>
<td>set by district</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Build-to Zone (BTZ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building facade in primary street BTZ (% of lot width)</td>
<td>set by district</td>
</tr>
<tr>
<td>Building facade in side street BTZ (% of lot width)</td>
<td>set by district</td>
</tr>
</tbody>
</table>

### 8.9.3. Height and Form

<table>
<thead>
<tr>
<th>Site</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal building</td>
<td>3 stories / 35' max</td>
</tr>
<tr>
<td>Accessory structure</td>
<td>24' max</td>
</tr>
<tr>
<td>Ground floor elevation</td>
<td>2' min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Building Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit width</td>
<td>20' min</td>
</tr>
<tr>
<td>Number of units permitted in a row</td>
<td>6 max</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Transparency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground story</td>
<td>20% min</td>
</tr>
<tr>
<td>Upper story</td>
<td>20% min</td>
</tr>
<tr>
<td>Blank wall area</td>
<td>35' max</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Pedestrian Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrance facing primary street (each ground floor unit)</td>
<td>Required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Building Elements Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awning/canopy</td>
<td>see Sec. 8.16.2</td>
</tr>
<tr>
<td>Balcony</td>
<td>see Sec. 8.16.3</td>
</tr>
<tr>
<td>Porch</td>
<td>see Sec. 8.16.6</td>
</tr>
<tr>
<td>Stoop</td>
<td>see Sec. 8.16.7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site</th>
<th>Parking Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front/corner yard</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Garage door restrictions</td>
<td>see Sec. 8.17.1</td>
</tr>
</tbody>
</table>
8.10.1. Description

**Definition**

A building type that accommodates 5 or more dwelling units vertically and horizontally integrated.

**Districts Allowed**

- RM-2
- CX
### 8.10.2. Lot and Placement

<table>
<thead>
<tr>
<th>Lot</th>
<th></th>
<th>Coverage</th>
<th></th>
<th>Building and Structure Setbacks</th>
<th></th>
<th>Build-to Zone (BTZ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>set by district</td>
<td>Lot coverage</td>
<td>set by district</td>
<td>Primary street</td>
<td>set by district</td>
<td>Building facade in primary street BTZ (% of lot width)</td>
</tr>
<tr>
<td>Width</td>
<td>set by district</td>
<td></td>
<td></td>
<td>Side street</td>
<td>set by district</td>
<td>Building facade in side street BTZ (% of lot width)</td>
</tr>
<tr>
<td>Dwelling units per lot</td>
<td>5 min / no max</td>
<td></td>
<td></td>
<td>Side interior</td>
<td>set by district</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height</th>
<th></th>
<th>Building Dimensions</th>
<th></th>
<th>Transparency</th>
<th></th>
<th>Pedestrian Access</th>
<th></th>
<th>Building Elements Allowed</th>
<th></th>
<th>Parking Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings and structures</td>
<td>set by district</td>
<td>Length</td>
<td>120’ max</td>
<td>Ground story</td>
<td>20% min</td>
<td>Entrance facing primary street</td>
<td>Required</td>
<td>Awning/canopy</td>
<td>see Sec. 8.16.2</td>
<td></td>
</tr>
<tr>
<td>Ground floor elevation</td>
<td>2’ min</td>
<td>Upper story</td>
<td>20% min</td>
<td>Blank wall area</td>
<td>35’ max</td>
<td>Entrance spacing along primary street</td>
<td>100’ max</td>
<td>Balcony</td>
<td>see Sec. 8.16.3</td>
<td></td>
</tr>
<tr>
<td>Building Elements Allowed</td>
<td></td>
<td>Building Elements Allowed</td>
<td></td>
<td>Parking Location</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Forecourt</td>
<td>see Sec. 8.16.4</td>
</tr>
<tr>
<td>Porch</td>
<td>see Sec. 8.16.6</td>
<td>Stoop</td>
<td>see Sec. 8.16.7</td>
<td>Front/corner yard</td>
<td>Not allowed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8.11.1. Description

**Definition**

A building type that accommodates 3 or more units. Units allow for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.

**Districts Allowed**

RX  CX  DX  CC
8.11.2. Lot and Placement

<table>
<thead>
<tr>
<th>Site</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Site area</td>
<td>4,000 SF min</td>
<td></td>
</tr>
<tr>
<td>Site width</td>
<td>55’ min</td>
<td></td>
</tr>
<tr>
<td>Units per lot</td>
<td>1 min / no max</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>1,100 SF min</td>
<td></td>
</tr>
<tr>
<td>Width</td>
<td>15’ min</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coverage</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>set by district</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building and Structure Setbacks</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td>set by district</td>
<td></td>
</tr>
<tr>
<td>Side street</td>
<td>set by district</td>
<td></td>
</tr>
<tr>
<td>Side interior</td>
<td>set by district</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>set by district</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Build-to Zone (BTZ)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Building facade in primary street BTZ (% of lot width)</td>
<td>set by district</td>
<td></td>
</tr>
<tr>
<td>Building facade in side street BTZ (% of lot width)</td>
<td>set by district</td>
<td></td>
</tr>
</tbody>
</table>

8.11.3. Height and Form

<table>
<thead>
<tr>
<th>Height</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All buildings and structures</td>
<td>3 stories / 35’ max</td>
<td></td>
</tr>
<tr>
<td>Ground story height</td>
<td>12’ min</td>
<td></td>
</tr>
<tr>
<td>Ground floor elevation</td>
<td>2’ min</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Dimensions</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit width</td>
<td>15’ min / 30’ max</td>
<td></td>
</tr>
<tr>
<td>Number of units permitted in a row</td>
<td>6 max</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transparency</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground story</td>
<td>40% min</td>
<td></td>
</tr>
<tr>
<td>Upper story</td>
<td>20% min</td>
<td></td>
</tr>
<tr>
<td>Blank wall area</td>
<td>25’ max</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pedestrian Access</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrance facing primary street (each ground floor unit)</td>
<td>Required</td>
<td>Required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Elements Allowed</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Awning/canopy</td>
<td>see Sec. 8.16.2</td>
<td></td>
</tr>
<tr>
<td>Balcony</td>
<td>see Sec. 8.16.3</td>
<td></td>
</tr>
<tr>
<td>Porch</td>
<td>see Sec. 8.16.6</td>
<td></td>
</tr>
<tr>
<td>Stoop</td>
<td>see Sec. 8.16.7</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Location</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front/corner yard restrictions</td>
<td>Not allowed</td>
<td></td>
</tr>
<tr>
<td>Garage door restrictions</td>
<td>see Sec. 8.17.1</td>
<td></td>
</tr>
</tbody>
</table>
8.12.1. Description

Definition
A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.

Districts Allowed

| NX | CX | CC |
## 8.12.2. Lot and Placement

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot</strong></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>set by district</td>
</tr>
<tr>
<td>Width</td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Coverage</strong></td>
<td></td>
</tr>
<tr>
<td>Lot coverage</td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Building and Structure Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Primary street</td>
<td>set by district</td>
</tr>
<tr>
<td>Side street</td>
<td>set by district</td>
</tr>
<tr>
<td>Side interior</td>
<td>set by district</td>
</tr>
<tr>
<td>Rear</td>
<td>set by district</td>
</tr>
<tr>
<td><strong>Build-to Zone (BTZ)</strong></td>
<td></td>
</tr>
<tr>
<td>Building facade in primary street BTZ (% of lot width)</td>
<td>set by district</td>
</tr>
<tr>
<td>Building facade in side street BTZ (% of lot width)</td>
<td>set by district</td>
</tr>
</tbody>
</table>

## 8.12.3. Height and Form

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height</strong></td>
<td></td>
</tr>
<tr>
<td>All buildings and structures</td>
<td>3 stories / 35’ max</td>
</tr>
<tr>
<td>Ground story height</td>
<td>10’ min</td>
</tr>
<tr>
<td><strong>Building Dimensions</strong></td>
<td></td>
</tr>
<tr>
<td>Length</td>
<td>50’ max</td>
</tr>
<tr>
<td>Depth</td>
<td>75’ max</td>
</tr>
<tr>
<td><strong>Transparency</strong></td>
<td></td>
</tr>
<tr>
<td>Ground story</td>
<td>40% min</td>
</tr>
<tr>
<td>Upper story</td>
<td>20% min</td>
</tr>
<tr>
<td>Blank wall area</td>
<td>35’ max</td>
</tr>
<tr>
<td><strong>Pedestrian Access</strong></td>
<td></td>
</tr>
<tr>
<td>Entrance facing primary street</td>
<td>Required</td>
</tr>
<tr>
<td><strong>Building Elements Allowed</strong></td>
<td></td>
</tr>
<tr>
<td>Awning/canopy</td>
<td>see Sec. 8.16.2</td>
</tr>
<tr>
<td>Balcony</td>
<td>see Sec. 8.16.3</td>
</tr>
<tr>
<td>Porch</td>
<td>see Sec. 8.16.6</td>
</tr>
<tr>
<td>Stoop</td>
<td>see Sec. 8.16.7</td>
</tr>
<tr>
<td><strong>Parking Location</strong></td>
<td></td>
</tr>
<tr>
<td>Front/corner yard restrictions</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Garage door restrictions</td>
<td>see Sec. 8.17.1</td>
</tr>
</tbody>
</table>
8.13.1. Description

Definition

A single-story building type that typically accommodates retail or commercial uses.

Districts Allowed

<table>
<thead>
<tr>
<th>Districts Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>CX</td>
</tr>
</tbody>
</table>
### 8.13.2. Lot and Placement

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
<th>Set by District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot</td>
<td>Area</td>
<td>A</td>
</tr>
<tr>
<td>Width</td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Coverage</td>
<td>Lot coverage</td>
<td>C</td>
</tr>
</tbody>
</table>

#### Building and Structure Setbacks

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Set by District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td>Side street</td>
<td></td>
<td>E</td>
</tr>
<tr>
<td>Side interior</td>
<td></td>
<td>F</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
<td>G</td>
</tr>
</tbody>
</table>

#### Build-to Zone (BTZ)

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Set by District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street BTZ</td>
<td>Building facade in primary street BTZ (% of lot width)</td>
<td>H</td>
</tr>
<tr>
<td>Side street BTZ</td>
<td>Building facade in side street BTZ (% of lot width)</td>
<td>I</td>
</tr>
</tbody>
</table>

### 8.13.3. Height and Form

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
<th>Set by District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>All buildings and structures</td>
<td>1 story / 24’ max</td>
</tr>
<tr>
<td>Ground story height</td>
<td>12’ min</td>
<td></td>
</tr>
</tbody>
</table>

#### Building Dimensions

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
<th>Set by District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length</td>
<td>150’ max</td>
<td></td>
</tr>
</tbody>
</table>

#### Transparency

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
<th>Set by District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground story</td>
<td>60% min</td>
<td></td>
</tr>
<tr>
<td>Building footprint 20,000 sf or more</td>
<td>30% min</td>
<td></td>
</tr>
<tr>
<td>Blank wall area</td>
<td>25’ max</td>
<td></td>
</tr>
<tr>
<td>Building footprint 20,000 sf or more</td>
<td>75’ max</td>
<td></td>
</tr>
</tbody>
</table>

#### Pedestrian Access

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
<th>Set by District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrance facing primary street</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td>Entrance spacing along primary street</td>
<td>75’ max</td>
<td></td>
</tr>
<tr>
<td>Building footprint 20,000 sf or more</td>
<td>125’ max</td>
<td></td>
</tr>
</tbody>
</table>

#### Building Elements Allowed

- Awning/canopy: see Sec. 8.16.2
- Forecourt: see Sec. 8.16.4
- Gallery: see Sec. 8.16.5

<table>
<thead>
<tr>
<th>Property</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Location</td>
<td>Set by district</td>
</tr>
</tbody>
</table>
Div. 8.14. Mixed Use Shopfront

8.14.1. Description

**Definition**
A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses

**Districts Allowed**
- CX
- DX
- CC
8.14.2. Lot and Placement

Lot

<table>
<thead>
<tr>
<th>Area</th>
<th>set by district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>set by district</td>
</tr>
</tbody>
</table>

Coverage

| Lot coverage  | set by district |

Building and Structure Setbacks

| Primary street | set by district |
| Side street    | set by district |
| Side interior  | set by district |
| Rear           | set by district |

Build-to Zone (BTZ)

| Building facade in primary street BTZ (% of lot width) | set by district |
| Building facade in side street BTZ (% of lot width)   | set by district |

8.14.3. Height and Form

Height

| All buildings and structures | set by district |
| Ground story height          | 12' min         |

Building Dimensions

| Length               | 120' max         |

Transparency

| Ground story         | 60% min          |
| Upper story          | 20% min          |
| Blank wall area      | 25' max          |

Pedestrian Access

| Entrance facing primary street | Required |
| Entrance spacing along primary street | 75' max |

Building Elements Allowed

| Awning/canopy | see Sec. 8.16.2 |
| Forecourt     | see Sec. 8.16.4 |
| Gallery       | see Sec. 8.16.5 |

Parking Location

| Set by district |
### 8.15.1. Description

**Definition**
A building type that typically accommodates commercial, office or industrial uses.

**Districts Allowed**
- CX
- CC
- CH
8.15.2. Lot and Placement

Lot

<table>
<thead>
<tr>
<th>Area</th>
<th>set by district</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>set by district</td>
</tr>
</tbody>
</table>

Coverage

| Lot coverage | set by district |

Building and Structure Setbacks

| Primary street | set by district |
| Side street   | set by district |
| Side interior | set by district |
| Rear          | set by district |

Build-to Zone (BTZ)

| Building facade in primary street BTZ (% of lot width) | set by district |
| Building facade in side street BTZ (% of lot width) | set by district |

8.15.3. Height and Form

Height

| All buildings and structures | set by district |
| Ground story height          | 10' min         |

Building Dimensions

| Length             | 120' max        |

Transparency

| Ground story       | 40% min         |
| Upper story        | 20% min         |
| Blank wall area    | 50' max         |

Pedestrian Access

| Entrance facing primary street | Required |
| Entrance spacing along primary street | 125' max |

Building Elements Allowed

| Awning/canopy | see Sec. 8.16.2 |
| Forecourt     | see Sec. 8.16.4 |
| Gallery       | see Sec. 8.16.5 |

Parking Location

Set by district
Div. 8.16. Building Elements

8.16.1. Intent

The following standards are intended to ensure that certain building elements that when added to a street-facing facade are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.

8.16.2. Awning/Canopy

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

A. An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 6 feet.

B. An awning/canopy may extend into a primary or side street setback.

C. An awning/canopy may encroach up to 6 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

8.16.3. Balcony

A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

A. A balcony must be at least 4 feet deep.

B. A balcony must have a clear height above the sidewalk of at least 9 feet.

C. A balcony may be covered and screened, but cannot be fully enclosed.

D. An balcony may extend into a into a primary or side street setback.

E. A balcony may encroach up to 6 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.
8.16.4. Forecourt

An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area.

A. A forecourt must be no more than one-third of the length of the building face, and in no case longer than 35 feet in width.

B. The depth of the forecourt must not exceed the general width. A forecourt may be no more than 35 feet in depth.

C. A maximum of one forecourt is permitted per lot.

D. A forecourt meeting the above requirements is considered part of the building for the purpose of measuring the build-to zone.

8.16.5. Gallery

A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

A. A gallery must have a clear depth from the support columns to the building’s facade of at least 8 feet and a clear height above the sidewalk of at least 9 feet.

B. A gallery must be contiguous and extend over at least 75% of the width of the building facade from which it projects.

C. A gallery may extend into a primary or side street setback.

D. A gallery may encroach up 9 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.
8.16.6. Porch

A raised structure attached to a building, forming a covered entrance to a doorway.

A. A front porch must be at least 6 feet deep (not including the steps).

B. A front porch must be contiguous, with a width not less than 50% of the building facade from which it projects.

C. A front porch must be roofed and may be screened, but cannot be fully enclosed.

D. A front porch may extend up to 9 feet, including the steps, into a required front setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

E. A front porch may not encroach into the public right-of-way.

8.16.7. Stoop

A small raised platform that serves as an entrance to a building.

A. A stoop must be no more than 6 feet deep (not including the steps) and 6 feet wide.

B. A stoop may be covered but cannot be fully enclosed.

C. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

D. A stoop may not encroach into the public right-of-way.
Div. 8.17. Parking Location

8.17.1. Residential Garage Parking

A. Type 1

Detached house, backyard cottage, cottage court, duplex, attached house, four-plex and shopfront house on lots of less than 1 acre, garage placement must match one of the following:

Semi-Flush. Garage doors are oriented toward the street. Garage doors must be positioned between 5 and 20 feet behind the front wall plane of the house, extending no more than 40% of the width of the house. No individual garage door may exceed 12 feet in width.

Recessed. Garage doors are oriented toward the street. Garage doors must be positioned at least 20 feet behind the front wall plane of the house. There is no restriction on garage door width.

Side-Loaded. Garage doors are oriented perpendicular to the front wall plane. Any wall of the garage must be located at least 3 feet behind the front wall plane of the house.

Carriage Court. Garage doors are oriented perpendicular to the front wall plane. Garage is located entirely in front of the house.

Detached. Garage is placed entirely to the rear of the house.

Alley-Loaded. Garage is placed entirely to the rear of the house and is alley-accessed. Garage doors must face the alley. The garage must either be located 4 feet from the alley right-of-way or be a minimum of 20 feet from the alley right-of-way. Where parking spaces are located between the garage and the alley, the garage must be located at least 20 feet from the alley right-of-way.
B. Type 2

For townhouse and live work, garage placement must meet the following.

1. Garage is placed entirely to the rear and is rear-accessed. Garage may be attached or detached.

2. Garage doors must face the rear alley or easement.

3. The garage must either be located 4 feet from the rear right-of-way or easement line or be a minimum of 20 feet from the rear right-of-way or easement line.

8.17.2. Residential Parking Location

A. Parking in the Front or Corner Yard

1. In all detached house, duplex and attached house lots, parking in the front or corner yard is allowed only on a hard-surfaced driveway (i.e., asphalt, concrete, gravel, or if approved by the [Administrator], a turf-reinforced driveway). No parking is allowed in grass or lawn areas.

2. Combined parking and driveway area cannot constitute more than 40% of the front or corner yard.

3. Any parking in the front or corner yard must have sufficient depth so that parked cars do not encroach on the sidewalk. Garage doors must be set back at least 20 feet from the sidewalk.

B. Tandem Parking

1. Tandem parking is allowed for residential uses.

2. Two parking spaces in tandem must have a combined minimum dimension of 9 feet in width by 36 feet in length.

3. Both parking spaces in tandem must be assigned to the same dwelling unit.

4. Tandem parking may not be used to provide guest parking.
Article 9 - Special Districts

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Div. 9.1. Scenic Overlay District

9.1.1. Established

A Scenic Overlay District is established using the procedure in Div. 14.4.

9.1.2. Intent

The intent of the Scenic Overlay District is to manage development to ensure, to the maximum extent feasible, limited visual intrusion along designated roadways, the retention of long vistas to the mountains and across the fields, the management of views of parking lots, and the preservation of existing native vegetation.

9.1.3. Design Standards

A. There are four development options with the scenic overlay. These options range from placing the building well back from the centerline of the highway subject to limited standards, or placing the building closer to the road, with increasing standards as the building is placed closer to the road.

B. The following table contains standards that are further illustrated on the following pages.

<table>
<thead>
<tr>
<th>Building</th>
<th>Option I</th>
<th>Option II</th>
<th>Option III</th>
<th>Option IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height (max)</td>
<td>2 stories / 45'</td>
<td>2 stories / 45'</td>
<td>2 stories / 45'</td>
<td>1 story / 24'</td>
</tr>
<tr>
<td>Width (max)</td>
<td>300'</td>
<td>250'</td>
<td>200'</td>
<td>150'</td>
</tr>
<tr>
<td>Setback (from highway centerline)</td>
<td>450'</td>
<td>350'</td>
<td>250'</td>
<td>150'</td>
</tr>
<tr>
<td>Separation</td>
<td>none required</td>
<td>100'</td>
<td>150'</td>
<td>200'</td>
</tr>
<tr>
<td>Parking Location</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (rows / pavement max)</td>
<td>4 rows / 120'</td>
<td>3 rows / 102'</td>
<td>2 rows, 60'</td>
<td>1 row / 42'</td>
</tr>
<tr>
<td>Rear</td>
<td>Unlimited behind rear building line</td>
<td>Unlimited behind rear building line</td>
<td>Unlimited behind rear building line</td>
<td>Unlimited behind rear building line</td>
</tr>
<tr>
<td>Screening</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking lots</td>
<td>Not required</td>
<td>required see Sec. 11.2.E</td>
<td>required see Sec. 11.2.E</td>
<td>required see Sec. 11.2.E</td>
</tr>
<tr>
<td>Fencing</td>
<td>none required</td>
<td>required</td>
<td>required</td>
<td>required</td>
</tr>
</tbody>
</table>

C. Native landscaping must be retained between the highway right-of-way and the front building line.

D. Additional parking, storage, and loading may be located behind the rear building line.

E. All outdoor lighting must be mounted no higher than 15 feet above the ground, must be directed downwards, and must be shielded not to create glare onto adjacent property.

F. All signs must follow the requirements of Div. 11.3, except that only external illumination directed downward onto the sign is allowed.
9.1.4. Option I

Building Height: 2 Stories (Max 45')

450' min Required Setback from Highway Centerline

Building Separation Not Required

Building Width: 300' max

No Fencing Required

Native Landscape Retained

4 Rows of Parking

No Landscape Buffer Required for Parking Lot

Parking, Storage, Loading Allowed

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9.1.5. Option II

- Building Separation: 100' min
- Building Height: 2 Stories (Max 45')
- Building Width: 250' max
- 350' min Required Setback from Highway Centerline
- Parking, Storage, Loading Allowed
- 3 Rows of Parking Max 102'
- Parking, Screening
- Fencing Required
- Native Landscape Retained
9.1.6. Option III

- **Building Height:** 2 Stories (Max 45')
- **Building Width:** 200' max
- **250' min Required Setback from Highway Centerline**
- **Building Separation 150' min**
- **Parking, Storage, Loading Allowed**
- **Fencing Required**
- **Native Landscape Retained**
- **2 Rows of Parking (Max 60')**
- **Parking Screening**
9.1.7. Option IV

Building Height: 1 Story (Max 24')

Building Separation 200' min

Building Width: 150' max

Native Landscape Retained

Fencing Required

Parking Screening

1 Row of Parking Max 42'

Parking, Storage, Loading Allowed
Div. 9.2. Floodplain Overlay

9.2.1. Purpose

A. Authority

The Legislature of the State of Idaho in I.C. 46-1020 through I.C. 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.

B. Need for Floodplain Protection

The flood hazard areas of Teton County, ID are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

2. Local government units have the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management as enabled by Idaho State Statute in I.C. 46-1020 through I.C. 46-1024.

C. Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life, health and property from the dangers of flooding;

2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

3. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;

4. Minimize expenditure of public money for costly flood damage repair and flood control projects;

5. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;


7. Require that development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;

8. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

9. Control filling, grading, dredging and other development which may increase flood damage or erosion;

10. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
11. Preserve and maintain natural floodplains, stream channels, and natural protective barriers which carry and store flood waters;

12. Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels.

9.2.2. General Provisions

A. Lands to Which This Ordinance Applies

This ordinance applies to all Special Flood Hazard Areas within the jurisdiction of Teton County, Idaho. Nothing in this Ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

B. Basis for Area of Special Flood Hazard

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Teton County, Idaho and Incorporated Areas, dated August 4, 1988, with accompanying Flood Insurance Rate Maps (FIRM), other supporting data, and updates/amendments to those documents are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the office of the Teton County Planning & Zoning Department, 150 Courthouse Drive, Driggs, ID 83422.

C. Establishment of Floodplain Development Permit

A Floodplain Development Permit is required prior to development activities in Special Flood Hazard Areas established in Article III Section B.

D. Interpretation

In the interpretation and application of this ordinance all provisions must be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body, and;

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

E. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance must not create liability on the part of Teton County, Idaho or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

9.2.3. Administration

A. Designation of Floodplain Ordinance Administrator

The Planning Administrator, or his or her designee, is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of this ordinance.

B. Duties and Responsibilities of the Administrator

Duties of the Floodplain Administrator must include, but will not be limited to:

1. Review all floodplain development permit applications to assure that the permit requirements of this ordinance have been satisfied.

2. Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16
3. Ensure that all development activities within the Regulatory Floodplain of the jurisdiction of Teton County meet the requirements of this ordinance.

4. Inspect all development projects to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.

5. Maintain all records pertaining to the provisions of this ordinance in the office of the Teton County Planning & Zoning Department and provide them for public inspection.

9.2.4. Permit Procedures

Application for a Floodplain Development Permit must be made to the Floodplain Administrator on forms furnished by the administrator or the administrator’s designee prior to starting development activities. Specifically, the following information is required:

A. Application Stage

The following items are required with the application (* signifies it may not be applicable, depending on the type of development):

1. Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities.

2. Elevation in relation to the Base Flood Elevation (BFE), or highest adjacent grade, of the lowest floor level, including crawlspace or basement, of all proposed development;

3. Elevations of the 10-, 50-, 100-, and 500- year floods, where the data are available from FEMA or other existing sources;

4. Boundaries of the Regulatory Floodplain, SFHA, and the floodway, where the data are available from FEMA or other existing sources;

5. “Elevation to which any non-residential structure will be flood-proofed;

6. “Design certification from a registered, licensed professional engineer or registered, licensed architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in Article V(F)(2);

7. “Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;

8. “If greater than 35% of the woody vegetation is to be removed within 50 feet from the ordinary high water mark, a landscaping plan, prepared by a professional, must be submitted that documents the minimization of impacts caused by the removal of the vegetation. A professional engineer, certified floodplain manager or fluvial morphologist must demonstrate that the vegetation removal will not destabilize stream banks or increase erosion potential on the floodplain.

9. Certification of Elevations

a. Elevation Certificate- with Sections A-F completed. (C1- Elevations should be based on Construction Drawings)

b. Floodproofing Certificate with Sections I-III completed. (Elevations should be based on Construction Drawings)

10. Documentation of additional permits required by Federal, State, or local law. The floodplain permit will remain invalid if those other permits and approvals are not obtained prior to any ground disturbing work or structural improvements.
B. Review Stage

1. Teton County Floodplain Administrator must review the application, and supporting documents to ensure compliance with Teton County ordinances. This must include:

   a. Require and record the actual elevation in relation to the vertical datum on the effective FIRM, or highest adjacent grade, of the lowest floor level, including basement, of all new construction or substantially improved structures.

   b. When Base Flood Elevations or other current engineering data are not available, the Floodplain Administrator must take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from flooding.

   c. When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator will require from the applicant, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.

   d. Require and record the actual elevation in relation to the vertical datum on the effective FIRM to which any new or substantially improved structures have been flood-proofed.

   e. When flood-proofing is utilized for a structure, the Floodplain Administrator will require certification of design criteria from a registered professional engineer or architect.

   f. Where interpretation is needed of the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator will make the interpretation. Any person contesting the location of the boundary must be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

2. If the County does not have the expertise to evaluate the technical data that is part of the application, the County may contract for an independent engineering review or require a review by FEMA through the Letter of Map Revision process. The applicant will pay the costs of an independent technical review.

C. Construction Stage

1. During construction onsite indicators (stake, pole or other means) must be utilized to identify BFE, Top of the Bottom Floor, Lowest adjacent Finished Grade, Highest Adjacent Grade and/or flood-proofed elevation. The Building Official or Floodplain Administrator may require a “Building Under Construction” Elevation Certificate or Floodproofing Certificate if they suspect the development is being constructed outside of elevations established in the application.

2. Certificate deficiencies identified by the Building Official or Floodplain Administrator must be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections will be cause for the Building Official or Floodplain Administrator to issue a stop-work order for the project.

D. Post-Construction Stage

1. For all new construction and substantial improvements, the permit holder must
2. provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level, using appropriate FEMA elevation or flood-proofing certificate, immediately after the lowest floor or flood-proofing is completed.

   a. Elevation Certificate (OMB No. 1660-0008 or revised version) with sections A-F completed. (C1- Building elevations should be based on Finished Construction)

   b. Floodproofing Certificate with Sections I-III completed. (Elevations should be based on Finished Construction).

3. Deficiencies identified by the Floodplain Administrator through the Certification must be corrected by the permit holder immediately. Failure to submit certification or failure to make the corrections will be cause for the Floodplain Administrator to issue a stop-work order for the project, Certificate of Occupancy to be withheld, or other remedies found in Title 1-10.

E. Expiration of Floodplain Development Permit

All floodplain development permits will be conditional upon the commencement of work within 180 days. A floodplain development permit will expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion. If a floodplain development permit expires, the applicant must reapply for a new permit.

9.2.5. Standards

The development standards required within Special Flood Hazard Areas are in Div. 13.1.

9.2.6. Variance and Appeal Procedures

A. Variance

   1. The procedures for a Variance found in Art 14. must be followed.

   2. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant.

B. Criteria for Variances

   1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

   2. Variances must not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

   3. Variances must only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

   4. Variances may be issued upon;

   a. A showing by the applicant of good and sufficient cause;

   b. A determination that failure to grant the variance would result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances.
5. Variances pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

6. The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated;

7. Such variances will not violate the provisions of Idaho Code; and

8. The requested variance is not a result of the actions of the applicant.

9. The variance will not have the effect of nullifying the interest and purpose of Teton County Code or the Comprehensive Plan.

C. Variance Decision

The decision to either grant or deny a variance must be in writing and must set forth the reasons for such approval and denial. If the variance is granted, the property owner will be put on notice along with the written decision that the permitted building will have its lowest floor below the Base Flood Elevation (BFE) and that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

D. Appeals

The Board of County Commissioners will hear and decide appeals from the interpretations of the Administrator.

1. An appeal must be filed with the Teton County Planning & Zoning Department within fourteen (14) days of the date of any permit denial or interpretation of the Administrator. Failure to timely file an appeal will be considered a failure to exhaust the administrative remedies. The appeal must set out the interpretation of the Administrator and a narrative setting forth the facts relied upon by the appellant and the appellants claim regarding the error in the interpretation.

2. Upon receipt of a completed appeal, the appeal will be scheduled for the next available Board of County Commissioners hearing to be heard. The Board of County Commissioners will consider the following in ruling on an appeal:

   a. All technical evaluations, all relevant factors, standards specified in other sections of this ordinance, including:

      i. The danger that materials may be swept onto other lands to the injury of others;

      ii. The danger to life and property due to flooding or erosion damage;

      iii. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual landowner;

      iv. The importance of the services provided by the proposed facility to the County;

      v. The necessity of the facility to a waterfront location, where applicable;

      vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
vii. The compatibility of the proposed use with existing and anticipated development;

viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

ix. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

tax. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

xi. The cost of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Decision

The Board of County Commissioners decision on appeal must be in writing and set out the facts, technical information and the legal basis for the decision.
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Div. 10.1. Use Classification

10.1.1. Classification of Uses

A. PrincipalUses

1. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product or physical characteristics.

2. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The [Administrator] has the responsibility for categorizing all uses.

3. The allowed use table in Div. 10.2 establishes permitted uses by district. No building or lot may be used except for a purpose permitted in the district in which it is located.

4. Use definitions and limited use standards for principal uses are specified in Div. 10.3 through Div. 10.7.

B. Accessory Uses

1. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.

2. The allowed use table in Div. 10.2 establishes permitted accessory uses by district. Standards for allowed accessory uses are specified in Div. 10.8.

C. Temporary Uses

1. A temporary use is a use that is in place for a limited period of time only.

2. Temporary uses are specified in Div 10.9.

D. Principal Uses Not Listed

1. A principal use not specifically listed is prohibited unless the [Administrator] determines the use to be part of a use category as described below.

2. The [Administrator] is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the [Administrator] may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the [Administrator] must consider the following criteria:

   a. The actual or projected characteristics of the proposed use;
   b. The relative amount of site area or floor area and equipment devoted to the proposed use;
   c. Relative amounts of sales;
   d. The customer type;
   e. The relative number of employees;
   f. Hours of operation;
   g. Building and site arrangement;
   h. Types of vehicles used and their parking requirements;
   i. The number of vehicle trips generated;
   j. How the proposed use is advertised;
   k. The likely impact on surrounding properties; and
   l. Whether the activity is likely to be found independent of the other activities on the site.
m. Where a use not listed is found by the Administrator not to be similar to any other permitted use, the use is only permitted following a text amendment (see Div. 14.4).

E. Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Administrator determines the accessory use:

1. Is clearly incidental to and customarily found in connection with an allowed principal use;
2. Is subordinate to and serving an allowed principal use;
3. Is subordinate in area, extent and purpose to the principal use served;
4. Contributes to the comfort, convenience or needs of occupants, business or industry in the principal use served; and
5. Is located on the same lot as the principal use served.

10.1.2. Use Table Key

A. Permitted Use (P)

Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this code.

B. Limited Use (L)

Indicates a use is permitted in the respective district, subject to a use standard found in the right-hand column of the use table. The use is also subject to all other applicable requirements of this code.

C. Special Use (S)

Indicates a use may be permitted in the respective district only after a public hearing and approval by the Planning & Zoning Commission (see Div. 14.4). Special uses are subject to all other applicable requirements of this code, including any applicable use standards, except where the use standards are expressly modified as part of the approval process.

D. Use Not Permitted (--)

Indicates that a use is not permitted in the respective district.
### Div. 10.2. Allowed Use Table

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<th>Use Category</th>
<th>Specific Use</th>
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<th>RC-2.5</th>
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<th>RS-7</th>
<th>RS-5</th>
<th>RS-3</th>
<th>RM-2</th>
<th>RM-3</th>
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<th>NX</th>
<th>CX</th>
<th>DX</th>
<th>CH</th>
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<td>Single-family detached</td>
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<td>--</td>
<td>Sec. 10.3.1.B</td>
</tr>
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**Key:**  
- **P** = Permitted Use  
- **L** = Limited Use  
- **S** = Special Use  
- **--** = Use Not Permitted
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Key: P = Permitted Use, L = Limited Use, S = Special Use, -- = Use Not Permitted
| Use Category Specific Use | A-40 | A-20 | RG-2.5 | RS-16 | RS-7 | RS-5 | RS-3 | FM-2 | RM-3 | RX | NX | CX | DX | CO | CH | IL | IH | IV | RE | CON | Definition/Standards |
|--------------------------|------|------|--------|-------|------|------|------|------|------|----|----|----|----|----|----|----|----|----|----|----|-----|---------------------|
| All medical, except as listed below: | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.3.A |
| Hospital | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.3.B |
| All office, except as listed below: | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.4.A |
| Bail bonds | -- | -- | -- | -- | -- | -- | -- | -- | -- | S | S | S | S | P | P | -- | -- | -- | -- | -- | -- | Sec. 10.5.4.B |
| Call center | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | -- | -- | -- | -- | -- | -- | Sec. 10.5.4.C |
| All outdoor recreation, except as listed below: | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.5.A |
| Campground, travel trailer park, RV park | P | P | P | P | P | P | P | P | P | -- | -- | -- | -- | -- | S | -- | -- | -- | -- | -- | -- | Sec. 10.5.5.B |
| Horse stable, riding academy, equestrian center | L | L | L | L | L | L | L | L | L | -- | -- | -- | -- | -- | L | -- | -- | -- | -- | -- | -- | Sec. 10.5.5.C |
| Shooting range | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S | -- | -- | -- | -- | -- | -- | Sec. 10.5.5.D |
| All overnight lodging, as listed below: | | | | | | | | | | | | | | | | | | | | | | | | | Sec. 10.5.6.A |
| Bed and breakfast (up to 6 rooms) | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.6.B |
| Boutique hotel/motel (7 to 30 rooms) | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.6.C |
| Hotel/motel (more than 30 rooms) | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.6.D |
| All parking, as listed below: | | | | | | | | | | | | | | | | | | | | | | | | | Sec. 10.5.7.A |
| Commercial parking | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S | -- | -- | -- | -- | -- | -- | Sec. 10.5.7.B |
| Remote parking | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | L | L | L | L | L | L | -- | Sec. 10.5.7.C |
| All personal service, except as listed below: | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | -- | -- | Sec. 10.5.8.A |
| Animal care (indoor) | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.8.B |
| Animal care (outdoor) | L | L | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | L | L | -- | -- | -- | -- | -- | Sec. 10.5.8.C |
| All restaurants | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | -- | -- | Sec. 10.5.9.A |
| All retail sales, as listed below: | | | | | | | | | | | | | | | | | | | | | | | | | Sec. 10.5.10.A |
| Retail establishment (up to 5,000 SF) | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | P | P | P | -- | -- | -- | -- | -- | -- | Sec. 10.5.10.A |
| Retail establishment (5,001 - 15,000 SF) | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.10.A |
| Retail establishment (15,001 - 50,000 SF) | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.5.10.A |

Key: P = Permitted Use  L = Limited Use  S = Special Use  -- = Use Not Permitted
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<td>Self-service storage, mini-warehouse</td>
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<td>Sec. 10.6.6.A/B</td>
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<td>All waste-related service</td>
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<td>Sec. 10.6.7.A</td>
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</tbody>
</table>

Key: P = Permitted Use  L = Limited Use  S = Special Use  -- = Use Not Permitted
| Use Category | Specific Use | A-40 | A-20 | RC-2.5 | RS-16 | RS-7 | RS-5 | RS-3 | FM-2 | FP-3 | RX | NX | OX | DX | CX | CH | IL | IH | IIV | REC | CON | Definition/Standards |
|-------------|-------------|------|------|--------|-------|------|------|------|------|------|----|----|----|----|----|----|----|----|----|----|----|----|----------|
| **Open Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| All agriculture, as listed below: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Sec. 10.7.1.A |
| Agricultural auction | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | -- | -- | -- | -- | Sec. 10.7.1.B |
| Agricultural processing | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S | P | P | -- | -- | -- | -- | -- | -- | Sec. 10.7.1.C |
| Community garden | L | L | L | L | L | L | L | L | L | L | L | L | -- | -- | L | L | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.7.1.D |
| Confined Animal Feeding Operation (CAFO) | S | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.7.1.E |
| Farming | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.7.1.F |
| Nursery | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | P | P | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.7.1.G |
| Urban farm | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | L | L | L | -- | -- | -- | -- | -- | Sec. 10.7.1.H |
| Winery | S | S | S | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | -- | -- | Sec. 10.7.1.I |
| **Accessory Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Accessory uses not otherwise listed below, as determined by the Administrator: | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 10.1.1.E |
| Accessory apartment, attached | L | L | L | L | L | L | L | L | L | L | L | L | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.8.1 |
| Backyard cottage | L | L | L | L | L | L | L | L | L | L | L | L | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.8.2 |
| Home industry | -- | -- | S | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.8.3 |
| Drive-thru facility | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | L | L | L | -- | -- | -- | -- | -- | Sec. 10.8.4 |
| Greenhouse | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | -- | -- | -- | -- | -- | -- | P | P | Sec. 10.8.6 |
| Home occupation | L | L | L | L | L | L | L | L | L | L | L | L | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.8.7 |
| Home business | S | S | S | S | S | S | S | S | S | S | S | S | L | L | L | L | L | L | -- | -- | -- | -- | -- | -- | Sec. 10.8.8 |
| Livestock keeping | P | P | P | L | L | L | L | L | L | L | L | L | -- | -- | -- | -- | -- | L | L | -- | -- | -- | -- | -- | -- | Sec. 10.8.9 |
| Outdoor dining | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | L | L | L | L | L | L | -- | -- | -- | -- | -- | -- | Sec. 10.8.10 |
| Outdoor display | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | L | L | L | L | L | L | -- | -- | -- | -- | -- | -- | Sec. 10.8.11 |
| Outdoor storage as listed below: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Sec. 10.8.12 |
| Low-impact | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | L | L | L | L | L | L | -- | -- | -- | -- | -- | -- | Sec. 10.8.12.A |
| High-impact | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | Sec. 10.8.12.B |

Key: P = Permitted Use  L = Limited Use  S = Special Use  -- = Use Not Permitted
Div. 10.3. Residential Uses

10.3.1. Household Living

A. Defined

Residential occupancy of a dwelling unit by a household. Household living includes the following.

2. Manufactured home.
3. Manufactured housing community.
4. Group home.

B. Single-Family Detached

One dwelling unit in a single principal structure; may also contain an accessory unit in an attached accessory apartment or a backyard cottage.

C. Two-Family

Two dwelling units in a single principal structure.

D. Single-Family Attached

Two or more dwelling units where each unit is attached vertically by a common side wall. Units cannot be vertically mixed.

E. Multi-Family

1. Three or more dwelling units in a single principal structure that do not meet the definition of single-family attached above.
2. Where multi-family is allowed as a limited use, it is allowed only in the upper stories of a mixed use building. A lobby or other entrance is allowed on the ground floor.

F. Manufactured Home

1. Defined

A single-family unit fabricated in one or more sections at a location other than the home site by assembly line or similar production techniques or by other construction methods typical of off-site manufacturing process. Every section must bear a label certifying that it is built in compliance with the “Federal Manufactured Home Construction and Safety Standards, June 15,1976” (42 U.S.C. Sec. 5401). A manufactured home may be designed to be towed on its own chassis or be delivered to the site by other means.

2. Use Standards

a. The manufactured home must be multi-sectional and enclose a space of not less than 1,000 square feet.
b. The manufactured home must be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than 12 inches above grade, except when placed on a basement foundation.
c. The manufactured home must have a pitched roof with a slope of at least 3 feet in height for each 12 feet in width.

G. Manufactured Housing Community

Any site, lot or tract of land upon which 10 or more manufactured homes may be sited. The manufactured housing community may feature either fee simple land sales or land leased or rented by the homeowner.

H. Group Home

1. Defined

a. A dwelling unit containing up to 8 unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility.
b. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.

c. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered mental or physically impaired under the Fair Housing Act.

d. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

10.3.2. Group Living

A. Defined

Residential occupancy of a structure by 9 or more people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following.

1. Assisted living facility.
2. Boarding house, rooming house, lodging house.
3. Congregate care facility.
4. Dormitory.
5. Hospice.
7. Nursing or care home.
8. Independent living facility.
9. Skilled nursing care facility.

10.3.3. Social Services

A. Defined

A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs.

Div. 10.4. Public/Institutional Uses

10.4.1. Civic

A. Defined

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following.

1. Community college, university.
2. Club or lodge.
4. Place of worship.
5. Public use.
6. Trade or technical school.
7. School (K-12).

B. Community College, University

A facility of higher education having authority to award associate and higher degrees.
C. Club or Lodge
A facility used for associations or organizations of an educational, fraternal or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars or Lions.

D. Museum, Library
A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee.

E. Place of Worship
A facility that by design and construction is primarily intended for conducting organized religious services.

F. Public Use
Any building, structure, or use owned or operated by the federal government, State, County, the City or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities, community centers, and jails and correctional facilities.

G. Trade or Technical School
A facility having a curriculum devoted primarily), industry, trade or other vocational-technical instruction.

H. School (K-12)
A facility for students in grades pre-kindergarten through 12.

10.4.2. Parks and Open Space

A. Defined
Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following.

1. Cemetery.
2. Conservation area.
3. Golf course.
4. Park, recreation field.
5. Reservoir, water supply, water well.

B. Cemetery
The use of property as a burial place.

C. Conservation Area
A tract of land that is protected in order to ensure that natural features, cultural heritage or biota are preserved. May include recreation trails, greenways and nature preserves.

D. Golf Course
A tract of land laid out with at least 9 holes for playing golf and improved with tees, greens, fairways and hazards. A golf course may include a clubhouse, shelters and a driving range as accessory uses.

E. Park, Recreation Field
An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools and tennis courts. May include both passive and active recreation.
10.4.3. Utilities

A. Defined

Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility). Utilities includes the following.

1. Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange/switching center, gas/electric/telephone/cable transmission lines, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, water supply water well.

2. Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.

10.4.4. Wireless Telecommunication Facility

A. Defined

A facility for the provision of radio waves or wireless service. Wireless telecommunication facility includes the following.

1. Amateur radio operator tower.

2. Wireless telecommunication tower.


B. Amateur Radio Operator Tower

1. Defined

A facility used for personal, non-commercial radio licensed by the Federal Communications Commission.

2. Standards

Where an amateur radio operator tower is allowed as a limited use, it is subject to the following:

a. An amateur radio operator tower may not exceed 65 feet in height. Additional height may be granted through the special use permit process (See Div. 14.4).

b. The tower must be located so that no part of the antenna or its elements encroaches within the required side or rear setbacks or within 10 feet of any easement for overhead electric distribution or transmission lines.

c. Maximum tower height is measured to the tallest point of the supporting tower and does not include the antenna mast or antenna elements affixed to the tower.

d. No more than one tower is allowed on a lot.

e. A request for a building permit must be accompanied by a copy of a valid Amateur Radio Operators licensed issued by the Federal Communications Commission for the location being requested.

C. Wireless Telecommunication Tower

1. Defined

Any mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas.

2. Standards

Where a wireless telecommunication tower is allowed as a special use, it may be permitted subject to Div. 14.4 and the standards below:

a. Necessary to Erect Tower

i. It must be demonstrated that it is necessary to erect the tower at the
proposed location and due to one or more of the following reasons:

a. The planned equipment would exceed the structural capacity of existing or approved structure and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

b. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.

c. There is no appropriate existing or pending structure to accommodate the planned equipment.

d. Other technical reasons that make it impractical to place equipment planned by the applicant on existing or approved structures.

b. **Height**

Building height restrictions do not apply to wireless communication towers. Wireless communication tower height may not exceed the standards established in the table below. Any tower greater in height than permitted in the table.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Tower Height (max)</th>
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<tbody>
<tr>
<td>Rural District</td>
<td>150</td>
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<tr>
<td>Residential District</td>
<td>120'</td>
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<tr>
<td>Mixed Use District</td>
<td>150'</td>
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<tr>
<td>Industrial District</td>
<td>200'</td>
</tr>
<tr>
<td>Civic/Open Space District</td>
<td>120'</td>
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</tbody>
</table>

c. **Setbacks for Ground Equipment**

The setbacks for ground equipment are governed by the applicable setbacks for the district.

d. **Setbacks for Towers**

Towers must be set back 1 foot from the property line for every foot of height.

e. **Co-Location**

i. No wireless telecommunication tower or equipment owner or lessee or employee may exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless telecommunication facility owners or lessees or employees must cooperate in good faith to achieve co-location of wireless telecommunication facilities and equipment with other wireless telecommunication providers.

ii. All new telecommunications towers must be constructed with excess capacity for co-location. Any owner of a telecommunications tower must allow other telecommunications providers to install or co-locate antennae or facilities on their towers. Co-location is subject to mutually agreeable terms and conditions negotiated between the parties.

f. **Screening**

Wireless telecommunication towers may require extensive landscaping/screening due to the unique nature of such facilities. Landscaping may be required to achieve a total screening effect at the base of the facility to screen the mechanical characteristics. A heavy emphasis on
coniferous plants or other approved materials for year-round screening may be required.

g. Lighting
No signals, lights, or illumination is allowed on a tower or telecommunication facility unless required by the Federal Aviation Administration or other applicable authority.

D. Building-Mounted Wireless Telecommunication Facility

1. Defined
Any antenna attached or affixed to a building or roof or other type of structure not originally intended to house such a facility.

2. Standards
Where a building-mounted wireless telecommunication facility is allowed as a special use, it may be permitted subject to Div. 14.4 and the standards below:

a. A building-mounted wireless telecommunication facility must be painted or camouflaged to match as closely as possible the color and texture of the wall, building, roof or surrounding built environment. Muted colors, earth tones and subdued colors must be used.

b. A building-mounted wireless telecommunication facility mounted to the wall of a building or structure, must be mounted in a configuration as flush to the wall as technically possible and must not project above the wall on which it is mounted.

c. A building-mounted wireless telecommunication facility mounted to a roof must be located as far from the edge of the roof as possible.

d. A building-mounted wireless telecommunication facility is not subject to the screening requirements of Sec. 11.2.4.

Div. 10.5. Commercial Uses

10.5.1. Day Care

A. Defined
A facility providing care and supervision for compensation during part of a 24 hour day, for a child/adult or children/adults not related by blood, marriage or legal guardianship to the person or persons providing the care, in a place other than the child’s or children’s own home or homes. Day care includes the following.

1. Family day care home (6 or less)
2. Group day care (7 to 12)
3. Day care center (13 or more)

B. Family Day Care Home
A home, place, or facility providing day care for 6 or fewer children or adults.

C. Group Day Care Facility
A home, place, or facility providing day care for 7 to 12 children or adults.

D. Day Care Center
A place or facility providing day care for compensation for 13 or more children or adults.

E. Use Standards
Where day care is allowed as a limited or special use (see Div 14.4), the day care must be licensed with the [Jurisdiction].
10.5.2. Indoor Recreation

A. Defined

A commercial facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following.

1. Amusement center, game/video arcade.
2. Assembly hall, auditorium, meeting hall.
5. Dance, martial arts, music studio or classroom
6. Extreme sports facility such as BMX, skateboarding or roller blading.
7. Gym, health spa or yoga studio.
8. Ice or roller skating rink.
9. Indoor sports facility.
10. Inflatable playground, indoor trampolines
13. Movie theater or other indoor theater.
15. Special event facility

B. Dance, Martial Arts, Music Studio or Classroom

A facility that offers or provides instruction to more than 2 students at a time in dance, singing, music, painting, sculpting, fine arts or martial arts.

C. Gym, Health Spa, Yoga Studio

A facility which for profit or gain provides as one of its primary purposes, services or facilities which assist patrons improve their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility.

D. Shooting Range

A facility with an enclosed firing range with targets for archery, rifle or handgun practice.

E. Special Event Facility

A facility or assembly hall available for lease by private parties or special events, such as weddings.

10.5.3. Medical

A. Defined

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following.

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.
6. Urgent care, emergency medical office.

B. Hospital

An facility providing health services primarily for the sick or injured and offering inpatient medical and/or surgical care.

10.5.4. Office

A. Defined

A facility used for activities conducted in an office setting and generally focusing on business,
professional or financial services. Office includes the following.

1. Services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art or employment agency.

2. Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services.

3. Financial services including but no limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency.

4. Counseling in an office setting.

5. Radio, TV station, recording studio.

B. Bail Bonds

A facility with a bail bond agent, or bondsman, that provides surety and pledges money or property as bail for the appearance of persons accused in court.

C. Call Center

A facility used for the purpose of receiving or transmitting a large volume of telephone calls.

10.5.5. Outdoor Recreation

A. Defined

A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following.

1. Drive-in theater.

2. Campground, travel trailer park, RV park.

3. Extreme sports facility such as BMX, skateboarding or roller blading.

4. Horse stable, riding academy, equestrian center.

5. Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility or water park.

6. Outdoor theater.

7. Shooting range.

8. Racetrack.

B. Campground, Travel Trailer Park, RV Park

A facility used for 2 or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.

C. Horse Stable, Riding Academy, Equestrian Center.

1. A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills.

2. Where a horse stable, riding academy or equestrian center is allowed as a limited use, no part of any building, structure or run in which animals are housed may be closer than 50 feet from any property line, except property owned or occupied by an owner or operator of the facility.

D. Shooting Range

A facility with an outdoor firing range with targets for archery, rifle or handgun practice.

10.5.6. Overnight Lodging

A. Defined

Accommodations arranged for short term stays. Overnight lodging includes the following.

1. Bed and breakfast (up to 6 rooms).

2. Boutique hotel (7 to 30 rooms).
3. Hotel/motel (more than 30 rooms).

B. Bed and Breakfast (up to 6 rooms)
A facility where overnight accommodations not exceeding 6 rooms are provided for compensation, with or without a morning meal, and which may include an afternoon or evening meal for guests, and where the operators of the facility live on the premises.

C. Boutique Hotel/Motel (7 to 30 rooms)
A facility where overnight accommodations not exceeding 30 rooms are provided for compensation.

D. Hotel/Motel (more than 30 rooms)
A facility where more than 30 rooms are provided for overnight accommodations.

10.5.7. Parking

A. Defined
A facility that provides parking as a principal use. Parking includes the following.

1. Commercial parking.
2. Remote parking.

B. Commercial Parking
1. A facility that provides parking as a principal use where fee is charged.
2. Where commercial parking is allowed as a special use, it may be permitted subject to Div. 14.4 and the standards below:
   a. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use;
   b. All surface parking areas must be landscaped in accordance with Sec. 11.2.3.

C. Remote Parking
1. A facility that provides parking as a principal use where a fee is not charged.
2. Where remote parking is allowed as a limited use, it is subject to the following:
   a. The remote parking facility must be located within the same or more intense zoning district as the principal use served;
   b. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use;
   c. All surface parking areas must be landscaped in accordance with Sec. 11.2.3.

10.5.8. Personal Service

A. Defined
A facility involved in providing personal or repair services to the general public. Personal service includes the following.

1. Animal care.
2. Beauty, hair or nail salon.
3. Catering establishment.
4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
5. Copy center, printing, binding, photocopying, blueprinting, mailing service.
6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium.
7. Locksmith.
8. Optometrist.
10. Repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments,
office equipment, radios, shoes, televisions, watch or similar items.

11. Tailor, milliner or upholsterer.

12. Tattoo parlor or body piercing.

13. Taxidermist.

14. Tutoring.

15. Wedding chapel.

B. Animal Care (Indoor)
A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.

C. Animal Care (Outdoor)
1. A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.

2. Where outdoor animal care is allowed as a limited use, it is subject to the following:
   a. All outdoor exercise areas and runs must be fenced for the safe confinement of animals;
   b. A Type A or B buffer (see Sec. 11.2.2) must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use; and
   c. No animal may be outdoors between 11 PM and 6 AM.

10.5.9. Restaurant
A. Defined
A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following.

1. Bar, tavern, pub.

2. Brewpub.

3. Cafe.

4. Coffee or tea shop.

5. Restaurant, take out or pizza delivery facility.

6. Restaurant, fast-food.

7. Restaurant, sit down

8. Yogurt or ice cream shop.

10.5.10. Retail Sales
A. Defined
A facility involved in the sale, lease or rental of new or used products. Retail sales includes the following:

1. Business services.

2. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, tobacco, toys, vehicle parts and accessories, videos, video games and related products.
3. Convenience store with fuel pumps or gas station.


B. Business Services

A facility providing other businesses with services including maintenance, repair and service, testing, rental, includes: business equipment repair services, document storage, document destruction, soils and materials testing laboratories.

C. Convenience Store with Fuel Pumps

1. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store with fuel pumps may sell vehicle fuel but cannot have any type of vehicle repair or service.

2. Where a convenience store with fuel pumps is allowed as a limited use, it is subject to the following:
   a. All fuel pumps must be located at least 25 feet from any public right-of-way or lot line, and all buildings and appurtenances must be located at least 100 feet from all lot lines abutting a residential use;
   b. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a residential use; and
   c. All fuel must be stored underground outside of any public right-of-way.

D. Convenience Store without Fuel Pumps

1. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store without fuel pumps cannot sell vehicle fuel or have any type of automotive service.

2. Where a convenience store without fuel pumps is allowed as a limited use, the use must be within or attached to a multi-tenant building, cannot be located in a standalone building.

10.5.11. Vehicle Sales/Rental

A. Defined

A facility that sells, rents or leases passenger vehicles, light and medium trucks, and other consumer vehicles such as motorcycles, boats and recreational vehicles.

B. Light Vehicle/Equipment

Sales, rental or leasing of passenger vehicles, motorcycles, boats.

C. Heavy Vehicle/Equipment

Sales, rental or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes Recreational vehicles, 18-wheelers, commercial box trucks, high-lifts, construction, heavy earthmoving equipment and manufactured homes.

D. Use Standards

Where vehicle sales/rental is allowed as a limited use, it is subject to the following:

1. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use;

2. All surface parking areas must be landscaped in accordance with Sec. 11.2.3;

3. Vehicle display areas may not be artificially elevated above the general topography of the site; and

4. Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.
Div. 10.6. Industrial Uses

10.6.1. Heavy Industrial

A. Defined

A facility that involves dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause. Heavy industrial includes the following.

1. Animal processing, packing, treating, and storage.
2. Bottling plant.
4. Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.
5. Concrete batch plant.
6. Detention center, jail, prison (private).
7. Laundry, dry-cleaning, and carpet cleaning plant.
8. Primary metal manufacturing.

10.6.2. Light Manufacturing

A. Defined

A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes the following.

1. Brewery, distillery.
2. Clothing, textile or apparel manufacturing.
3. Craft shop.
4. Food and beverage processing, boutique.
5. Food and beverage processing, industrial.
6. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments.
7. Pharmaceutical or medical supply manufacturing.
8. Recreational equipment manufacturing.
10. Stone, clay, glass or concrete products.
11. Woodworking, cabinet makers or furniture manufacturing.

B. Craft Shop

1. A facility devoted solely to the arts and crafts that produces or makes items that by their nature, are designed or made by an artist or craftsman by using hand skills.
2. Where a craft shop is allowed as a limited use, it is subject to the following:
   a. May have no more than 5 employees.
   b. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood is allowed.
   c. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood.
d. No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood.

e. All equipment and material storage is kept in an enclosed structure.

C. Food and Beverage Processing, Boutique

1. A facility in which food, beverages and alcohol are processed or otherwise prepared and distributed for eventual human consumption. The facility may, in addition to its processing operation and exclusive of the processing, bottling, storage floor area limitation, have a restaurant, offer related and unrelated retail sales, and on-site consumption of free samples when permitted by the State.

2. Where food and beverage processing, boutique is allowed as a limited use, it is subject to the following.

   a. Ground floor area used for processing/bottling/storage does not exceed 3,000 square feet, unless otherwise permitted through a Special Use Permit.

   b. The use is conducted in a fashion that does not generate continuous, frequent, or repetitive noises or vibrations than that which is usual in the neighborhood.

D. Food and Beverage Processing, Industrial

1. A facility in which food, beverage and alcohol are processed, or otherwise prepared and distributed for eventual human consumption. The establishment may, as a subordinate use, offer retail sales and on-site consumption of free samples with no associated seating area, when permitted by the State, of only products produced or processed by the principal use on site.

   2. Where food and beverage processing, industrial is allowed as a limited use, it requires a Special Use Permit if located within 300 feet from an existing residence or residentially-zoned property (measured from the residential lot line to the lot line of the food and beverage facility).

10.6.3. Research and Development

A. Defined

A facility focused primarily on the research and development of new products. Research and development includes the following.

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.

2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.

3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

10.6.4. Resource Extraction

A. Defined

A facility that extracts minerals and other solids and liquids from land. Resource extraction includes the following.

1. Extraction of phosphate or minerals.

2. Extraction of sand or gravel, borrow pit.

3. Metal, sand stone, gravel clay, mining and other related processing.

4. Stockpiling of sand, gravel, or other aggregate materials.
10.6.5. Vehicle Service and Repair

A. Defined

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle service includes the following.

1. Car wash.
2. Vehicle repair (minor).
3. Vehicle repair (major).
4. Vehicle repair (commercial vehicle).

B. Car Wash

1. A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing or waxing of motor vehicles.
2. Where a car wash is allowed as a limited use, it is subject to the following.
   a. No car wash is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the lot line of the car wash facility).
   b. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
   c. When abutting a ground floor residential use, the car wash facility cannot operate before 6 AM or after 11 PM.

C. Vehicle Repair (Minor)

1. A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement.
2. Where minor vehicle repair is allowed as a limited use, it is subject to the following.
   a. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
   b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

D. Vehicle Repair (Major)

1. A facility where general vehicle repair is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops.
2. Where major vehicle repair is allowed as a limited use, it is subject to the following.
   a. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
   b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

E. Vehicle Repair (Commercial Vehicle)

1. A facility conducting repair, service, washing or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.
   a. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
   b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.
10.6.6. Warehouse, Storage and Distribution

A. Defined

A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse, storage and distribution includes the following.

1. Enclosed storage (includes bulk storage, cold storage plants, frozen food lockers, household moving and general freight storage).
2. Self-service storage, mini-warehouse.

B. Use Standards

Where warehouse, storage and distribution is allowed as a limited use, outdoor storage areas are allowed in accordance with in Sec. 10.8.12.

10.6.7. Waste-Related Service

A. Defined

A facility that processes and stores waste material. Waste-related service includes the following.

1. Automobile dismantlers and recyclers, junk yard, wrecking yard, salvage yard.
2. Landfill.
3. Recycling and recovery facility, including recyclable material storage, including construction material.
4. Scrap metal processors, secondary materials dealer.

Div. 10.7. Open Uses

10.7.1. Agriculture

A. Defined

The production of crops, livestock or poultry. Agriculture includes the following.

1. Agricultural auction.
2. Agricultural processing.
3. Community garden.
5. Urban farm.
6. Winery.

B. Right to Farm

No agricultural operation, agricultural facility or expansion of an agricultural operation or facility will be or become a nuisance, private or public, based on any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed.

C. Agricultural Auction

A sales establishment at which farm-related merchandise is sold to the highest bidder.

D. Agricultural Processing

Any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include animal processing, packing, treating, and storage (see Sec. 10 6.1, Heavy Industrial).
E. Community Garden

1. An area of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption or donation. On-site sales may be permitted upon approval of a special use permit under Div. 14.4. May be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group.

2. Where a community garden is allowed as a limited use, it is subject to the following:
   a. A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site;
   b. Only mechanical equipment designed for household use may be used.
   c. On-site sales may be permitted upon approval of a special use permit under Div 14.4. Sales are restricted to horticultural and agricultural products produced on the premises;
   d. Livestock keeping may be allowed as an accessory use subject to the use table.

F. Confined Animal Feeding Operation (CAFO)

A lot or facility where the following conditions are met:

1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 90 consecutive days or more in any 12-month period;

2. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility; and

3. The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories:
   a. 700 mature dairy cows, whether milked or dry;
   b. 1,000 veal calves;
   c. 1,000 cattle other than mature dairy cows or veal calves;
   d. 2,500 swine each weighing 55 pounds or more;
   e. 10,000 swine each weighing less than 55 pounds;
   f. 500 horses;
   g. 10,000 sheep or lambs; or
   h. 82,000 chickens.

4. Two or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

G. Farming

The practice of agriculture on a property, and any associated buildings. Agriculture means the business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and
equestrian events and activities. Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product. Farming includes the following accessory uses:

1. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, and mulch or compost production and manufacturing.

2. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled by the farmer.

3. Accessory agricultural education and tourism activities conducted as a part of a farm’s regular operations, with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation. The maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism is limited to 10% of the total footprint square footage of all structures on the site used for agriculture.

4. The outdoor storage of farm supply materials and machinery used in farming for agricultural purposes.

H. Nursery
The sale of plants and plant materials grown on- or off-site, as well as garden supplies, equipment and related items.

I. Urban Farm
1. The raising and harvesting of crops and non-food ornamental crops for commercial use. An urban farm may be owned by an individual, group or organization and may include larger-scale farm equipment.

2. Where an urban farm is allowed as a limited use, livestock keeping may be allowed as an accessory use subject to the use table.

J. Winery
A facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets.

Div. 10.8. Accessory Uses
10.8.1. Accessory Apartment, Attached
A. Defined
A second dwelling unit within or attached to an existing detached house, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.

B. Use Standards
Where an attached accessory apartment is allowed as a limited use, it is subject to the following:

1. Only one attached accessory apartment is allowed per lot. Where a backyard cottage is proposed or exists, an attached accessory apartment is not allowed to be associated with the same detached house;

2. One additional off-street parking space must be provided on the lot;

3. The heated floor area for an attached accessory apartment must not exceed:
   b. RS-16: 1,000 square feet.
   c. RS-7, RS-5: 800 square feet.
   d. RS-3, RM-1, RM-2, RX, NX: 700 square feet.
4. In all instances, an attached accessory apartment must be less than 50% of the heated floor area of the entire dwelling (principal plus accessory); and

5. Entrance to the attached accessory apartment must be from the rear or side and must not face the street to which the detached house is oriented.

10.8.2. Backyard Cottage

A. Defined

A small self-contained accessory dwelling unit located on the same lot as a detached house but physically separated for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.

B. Use Standards

Where a backyard cottage is allowed as a limited use, it is subject to the following:

1. Only one backyard cottage is allowed per lot. Where an attached accessory apartment is proposed or exists, a backyard cottage is not allowed to be associated with the same detached house;

2. One additional parking space must be provided on the lot; and

3. The heated floor area for an attached accessory apartment cannot exceed:

   b. RS-16: 1,000 square feet.
   c. RS-7, RS-5: 800 square feet.
   d. RS-3, RM-1, RM-2, RX, NX: 700 square feet.

4. A tiny house may be used as a backyard cottage, provided it is:

   a. Attached to a permanent foundation;
   b. Skirted to hide any frame or wheels; and
   c. Connected to public water and sewer.

5. A backyard cottage must also meet the requirements of Div. 8.4.

10.8.3. Drive-Thru Facility

A. Defined

A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks and pharmacies.

B. Use Standards

Where a drive-thru is allowed as a limited use, it is subject to the following:

1. No drive-thru window, lane or order box is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the drive-thru lane);

2. In CX, all drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the side or rear of the building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building; and

3. Queuing and screening requirements are specified in Sec. 11.1.6.

10.8.4. Garden

A. Defined

A plot of ground where herbs, fruits, flowers, or vegetables are cultivated for personal or group use, consumption or donation. Includes a rooftop garden or green roof.
10.8.5. Greenhouse

A. Defined

A glass accessory building in which herbs, fruits, flowers, or vegetables that need protection from the weather are cultivated for personal or group use, consumption or donation.

10.8.6. Home Occupation

A. Defined

A home occupation provides a service or product that is conducted wholly within a dwelling unit. Customers and employees coming to the dwelling to conduct business are not allowed. A home occupation does not include Bed and Breakfast (see Sec. 10.5.6.B), Home industry (see Sec. 10.8.3) or Day Care (see Sec. 10.5.1).

B. Use Standards

Where a home occupation is allowed as a limited use, it is subject to the following:

1. The use of the dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.

2. No business, storage or warehousing of material, supplies or equipment is allowed outside.

3. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

4. No display of products may be visible from the street.

5. No persons other than members of the family residing on the premises may be engaged in the home occupation.

6. No more than one vehicle may be used in the conduct of the home occupation, and it must be parked on-site.

7. Storage space and the operation of the business cannot exceed 25% of the total floor area of the dwelling (including any accessory structures on the lot).

8. Customers and employees are not allowed.

9. The delivery of materials may not exceed more than 2 deliveries of per day. No delivery may be by a vehicle larger than typical delivery van.

10. No signs advertising the home occupation are allowed.

10.8.7. Home Business

A. Defined

A home business provides a service or product that is conducted wholly within a dwelling that requires employees, customers, clients or patrons to visit the dwelling. A home business does not include Bed and Breakfast (see Sec. 10.5.6.B), Home industry (see Sec. 10.8.3) or Day Care (see Sec. 10.5.1).

B. Use Standards

Where a home business is allowed as a special use, it may be permitted subject to Div. 14.4 and the standards below. Where a home business is allowed as a limited use, it is subject to the following:

1. The use of the dwelling unit for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.

2. No business, storage or warehousing of material, supplies or equipment is allowed outside.
3. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

4. No display of products may be visible from the street.

5. The home business must be conducted by a person residing on the premises and may employ no more than two people not living on the premises.

6. No more than two vehicles may be used in the conduct of the home business, and the vehicles must be parked on-site.

7. Storage space and the operation of the business inside the dwelling cannot exceed 25% of the total floor area of the building (including any accessory structures on the lot).

8. Not more than 6 clients a day are permitted to visit the home business.

9. The delivery of materials may not exceed more than 2 deliveries of per day. No delivery may be by a vehicle larger than typical delivery van.

10. Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).

11. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.

12. Signs advertising the home business are limited to one unlit wall sign no larger than 3 square feet in area.

10.8.8. Home Industry

A. Defined

An industrial use conducted on a residential lot. Uses include activities related to agriculture, trucking operations, small automotive repair shops, well and septic tank system service, carpentry, upholstery, woodworking and other similar uses.

B. Use Standards

Where home industry is allowed as a limited use, it is subject to the following:

1. Up to 4 employees may be employed in addition to family members.

2. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood.

3. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood; and

4. All non-personal vehicles and/or equipment associated with use must be screened in an enclosed structure.

5. Low impact outdoor storage is allowed in as specified in Sec. 10.8.12.

10.8.9. Livestock Keeping

A. Defined

Livestock includes any animals of the equine, swine or bovine class, including goats, sheep, mules, cattle, hogs, pigs and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.

B. Use Standards

Where livestock keeping on residential property is allowed as a limited use, it is subject to the following:

1. Prohibited

   a. The keeping of any animal other than dogs, cats and other household domestic animals and those specifically allowed below is prohibited.
b. Roosters are not allowed.

2. Rabbits, Turkeys, Ducks and Chickens
   a. One rabbit, turkey, duck or chicken is allowed per 1,500 square feet of lot area, provided that no more than 7 rabbits, ducks or chickens, and no more than 3 turkeys are located on a single parcel.
   b. Up to 25 rabbits, turkeys, ducks or chickens may be allowed upon approval of a Special Use Permit under Div. 14.4.
   c. An area of at least 20 square feet or at least 4 square feet for each rabbit, turkey, duck or chicken, whichever is larger, must be provided. The area must be adequately fenced, cannot be located in a front yard, be at least 25 feet from any dwelling on an abutting lot and be at least 15 feet from any side or rear lot line.
   d. Coops or cages may not exceed 8 feet in height.

3. Alpacas, Llamas, Goats and Sheep
   a. A lot least 1/2 acre in size is allowed 1 alpaca, llama, goat or sheep per 10,000 square feet of lot area.
   b. Up to 2 alpaca, llama, goat or sheep per 10,000 square feet of lot area may be allowed upon approval of a Special Use Permit under Div. 14.4.
   c. An area of at least 500 square feet or at least 250 square feet for each alpaca, llama, goat or sheep, whichever is larger, must be provided.
   d. The containment area must be adequately fenced, cannot be located in a front yard and must be at least 15 feet from any side or rear lot line.

4. Horses and Cows
   a. One horse or cow is allowed per 1 acre of lot area.
   b. An area of at least 5,000 square feet must be provided per horse or cow provided that a corral measuring at least 500 square feet per horse or cow may be used to confine the horse or cow in wet seasons.
   c. The containment area must be adequately fenced, cannot be located in a front yard and must be at least 100 feet from any dwelling on an abutting lot.

5. Slaughtering of Animals
   Rabbits, chickens, ducks and turkeys may be slaughtered on site. No other farm animal may be slaughtered on site.

6. Sales
   The sale of animals and/or animal by-products is allowed if conducted in conformance Sec. 10.8.8.

10.8.10. Outdoor Dining
A. Defined
   A seating area specifically designed for the consumption of food or drink, typically associated with a restaurant or coffee shop and which is either: (1) located entirely outside the walls of building, or (2) enclosed on two sides or less by walls, with or without a solid roof cover, or (3) enclosed on three sides by walls without a solid roof cover.

B. Use Standards
   Where outdoor dining is allowed as a limited use, it is subject to the following.
   1. The outdoor dining area must not interfere with the circulation of bike, pedestrian or vehicular traffic.
2. The hours of operation for the outdoor dining area may be no greater than that of the principal use.

3. The outdoor dining area must be maintained in a clean, neat and orderly condition. All debris and litter must be removed daily.

4. Outdoor dining is not allowed in the public right-of-way without first obtaining an encroachment license.

10.8.11. Outdoor Display

A. Defined

1. The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display.

2. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see limited outdoor storage).

3. Where allowed, the outdoor sale or rental of vehicles equipment as part of a properly permitted use is not considered outdoor display (see Sec. 10.5.11).

B. Use Standards

Where outdoor display is allowed as a limited use, it is subject to the following:

1. Outdoor display is only allowed with a permitted nonresidential use;

2. Outdoor display must abut the primary facade with the principal customer entrance, and may not extend more than 6 feet from the facade or occupy more than 25% of the horizontal length of the facade;

3. Outdoor display may not exceed 6 feet in height;

4. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight; and

5. Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

10.8.12. Outdoor Storage

A. Low-Impact

1. Defined

Low-impact outdoor storage includes, but is not limited to:

a. The overnight outdoor storage of vehicles awaiting repair;

b. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;

c. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn movers, barbecue's and other similar items; and

d. The outdoor storage of vehicles, boats, recreational vehicles or other similar vehicles at a self-service storage, mini-warehouse facility.

2. Use Standards

Where low-impact outdoor storage is allowed as a limited use, it is subject to the following:

a. All material stored outdoors cannot be located in a required setback;
b. All material stored outdoors may not be more than 12 feet in height;

c. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type A or B buffer (see Sec. 11.2.2); and

d. Vehicles awaiting repair may only be stored up to 14 days within the screened storage area.

B. High-Impact

1. Defined

High-impact outdoor storage includes, but is not limited to:

a. The outdoor storage of contractors equipment; lumber, pipe, steel or wood;

b. The outdoor storage of salvage, recycled materials or scrap metal;

c. The outdoor storage of impounded or inoperable vehicles;

d. The outdoor storage or loading yard for vehicles, trailers or equipment.

e. The outdoor storage of construction material; and

f. The outdoor storage of domestic or construction waste or debris.

2. Use Standards

Where high-impact outdoor storage is allowed as a limited or special use (see Div. 14.4), it is subject to the following:

a. All material stored outdoors cannot be located in a required setback and must be located at least 15 feet from the public right-of-way; and

b. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type C or D buffer (see Sec. 11.2.2).

10.8.13. Parking, On-Site

A. Defined

Parking provided on-site to serve a principal use of the site.


A. Defined

Renewable energy systems such as solar panels and wind turbines, along with rainwater collection systems such as rain barrels and cisterns.
Div. 10.9. Temporary Uses

10.9.1. Temporary Portable Storage Containers

A. Defined

A container designed and rented or leased for the temporary storage of commercial, industrial or residential household goods that does not contain a foundation or wheels for movement.

B. Use Standards

1. In an AG-43, RS- and R- districts, one container is permitted for a maximum of 30 consecutive days twice per calendar year.
2. No container may be more than 8 feet in height, or more than 16 feet in length in a residential district.
3. In all other districts, no more than 3 containers are permitted at any one time. No single container may be on-site for more than 30 consecutive days.
4. Any person wishing to utilize a container longer than 30 calendar days may apply for a 30-day extension subject to the [Administrator’s] approval.
5. Containers cannot be stacked on top of each other.
6. Containers cannot be located in any required setback and must be located completely on the owner’s lot and no part of any container may be located in the public right-of-way.

10.9.2. Temporary On-Site Rock Crushing

The [Planning & Zoning Commission] must find that the following standards will be met prior to issuing a Special Use Permit for temporary on-site rock crushing for on-site construction and maintenance:

A. The development has received site plan or final plat approval for the associated construction or maintenance activity or is an approved public facility project.
B. A final grading plan for the development has been approved by the [Jurisdiction], or the [Jurisdiction] if located in the Area of City Impact.
C. No excavation of native material will occur outside of approved roadways or building foundations, unless:
   1. A reclamation plan detailing how those areas will be revegetated is approved by the [Planning & Zoning Commission],
   2. A balance sheet is submitted showing that the excavated material will be used within the development, and
   3. The estimated reclamation/revegetation costs are included in the development’s surety bond.
D. No off-site materials are brought on site for crushing.
E. Rock crushing equipment is removed from the site within 15 days of completing the crushing activity.
F. Excavated crushed material not used for on-site construction or landscaping is removed from the site within 30 days of completing the crushing activity.
G. The rock crushing equipment is setback as far away as practicable from all occupied structures and residential property lines, but in no case may the setback be less than 800 feet without a sound barrier shown to be capable of reducing sound levels at the nearest residential property line or occupied structure to below 65 dBA. With such sound barrier in place the setback from occupied structures and residential property lines cannot be less than 400 feet.
H. The duration of the temporary rock crushing activity is for no more than 60 consecutive days from the date the activity commenced, unless extended
by the [Governing Body] within an executed development agreement.

I. Rock crushing will occur only during Monday through Friday, between 8:00 AM and 6:00 PM, and not on Federal holidays.

J. Water is available and utilized for dust control.

K. Any Federal, State or County permits required for the proposed operation are obtained.

10.9.3. Temporary Structures as Living Quarters

Temporary (non-winterized) structures such as yurts and seasonal cabins that do not meet the building code requirements for habitable space are not considered to be residential structures, and therefore are not allowed as living quarters.
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Div. 11.1. Access and Parking

11.1.1. Applicability

A. New Construction

Any new building or site improvement must comply with this Division.

B. Additions

1. When an existing building, use or site is increased in gross floor area or improved site area by up to 50% cumulatively, this Division applies to the additional floor or site area only.

2. When an existing building, use or site is increased in gross floor area or improved site area by more than 50% cumulatively, both the existing building, use or site and the additional floor or site area must conform to this Division.

C. Change in Use

Where the number of existing parking spaces exceeds the maximum number of allowed parking spaces for the proposed use, the additional parking spaces may remain in place, at the applicants discretion.

D. Maintenance and Repair

An existing building or site may be repaired, maintained or modernized without conforming to this Division, provided there is no increase in gross floor area or improved site area.

11.1.2. Pedestrian Access

A. General

All development must provide safe, direct and convenient pedestrian access connecting public streets and parking lots to the primary entrance, and to all other uses in the development that allow for public access. The following uses are exempt from this requirement:

1. Single-family detached, two-family, single-family attached;

2. Multi-family (3 or 4 units);

3. Group living (up to 6 residents);

4. Cemetery, conservation area;

5. Minor utilities; and

6. All agriculture uses.

B. Required Pedestrian Facilities

1. Pedestrian access must consist of an accessible, easily discernible, well-lit, and ADA-compliant walkway a minimum of 5 feet in width.

2. The pedestrian access surface located on private property must be paved with fixed, non-slip semi-pervious or impervious materials.

3. Pedestrian access routes between buildings and parking must be physically separated from drive aisles, except where required to cross a drive aisle.

4. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

5. Pedestrian walkways must be designed and installed to allow for cross-access between abutting properties.
11.1.3. Vehicle Parking and Access

A. Minimum Parking

The provision of off-street vehicle parking is required as set out in the table below.

B. Maximum Parking

Where a maximum parking standard applies according to the table below, the number of parking spaces must not be exceeded. The maximum parking requirements do not apply to off-street parking areas made of porous pavement material. Permitted materials include, brick, grass pavers, turf blocks, natural stone, pervious concrete, and porous asphalt.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Spaces (min)</th>
<th>Allowed Spaces (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All household living:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family detached</td>
<td>1 per unit</td>
<td>No max</td>
</tr>
<tr>
<td>Two-family</td>
<td>1 per unit</td>
<td>No max</td>
</tr>
<tr>
<td>Single-family attached</td>
<td>1 per unit</td>
<td>No max</td>
</tr>
<tr>
<td>Multi-family</td>
<td>1 per unit</td>
<td>3 per unit</td>
</tr>
<tr>
<td>Manufactured home</td>
<td>1 per unit</td>
<td>No max</td>
</tr>
<tr>
<td>Manufactured housing community</td>
<td>1 per unit</td>
<td>No max</td>
</tr>
<tr>
<td>Group home (up to 8 residents)</td>
<td>2 per unit</td>
<td>No max</td>
</tr>
<tr>
<td>All group living (9 or more residents)</td>
<td>0.5 per bed</td>
<td>1 per 2 beds</td>
</tr>
<tr>
<td>All social service</td>
<td>0.5 per bed</td>
<td>1 per bed</td>
</tr>
<tr>
<td>Public Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All civic uses</td>
<td>No min</td>
<td>4 per 1,000 SF</td>
</tr>
<tr>
<td>All parks and open space, except as listed below:</td>
<td>No min</td>
<td>No max</td>
</tr>
<tr>
<td>Golf course</td>
<td>No min</td>
<td>3 per hole</td>
</tr>
<tr>
<td>All utilities</td>
<td>No min</td>
<td>No max</td>
</tr>
</tbody>
</table>

C. Calculation

1. Where a use is not listed or only a broad use category is shown, the [Administrator] is responsible for categorizing the use in accordance with Div. 10.1.

2. When a combination of uses are included, the maximum number of off-street parking spaces allowed is the sum of the maximum numbers of spaces allowed for each individual use.

3. Unless otherwise noted, the parking requirement is based on the gross floor area of the building devoted to the particular use specified.
<table>
<thead>
<tr>
<th>Use</th>
<th>Required Spaces (min)</th>
<th>Allowed Spaces (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All heavy industrial</td>
<td>No min</td>
<td>No max</td>
</tr>
<tr>
<td>All light manufacturing</td>
<td>1 per 1,000 SF</td>
<td>3 per 1,000 SF</td>
</tr>
<tr>
<td>All research and development</td>
<td>1 per 1,000 SF</td>
<td>3 per 1,000 SF</td>
</tr>
<tr>
<td>All resource extraction</td>
<td>No min</td>
<td>No max</td>
</tr>
<tr>
<td>All vehicle service and repair</td>
<td>1 per 1,000 SF</td>
<td>3 per 1,000 SF</td>
</tr>
<tr>
<td>All warehouse, storage and distribution</td>
<td>1 per 500 SF</td>
<td>3 per 1,000 SF</td>
</tr>
<tr>
<td>All waste-related service</td>
<td>No min</td>
<td>No max</td>
</tr>
</tbody>
</table>

**Open Uses**

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Spaces (min)</th>
<th>Allowed Spaces (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All agriculture</td>
<td>No min</td>
<td>No max</td>
</tr>
</tbody>
</table>

**D. Accessible Parking**

If off-street vehicle parking is provided, accessible parking spaces must also be provided in accordance with the requirements of the Americans with Disabilities Act (ADA).

**E. Parking Lot Layout and Design**

1. **Parking Access**
   a. All off-street vehicle parking must have direct access to a public right-of-way through an alley, driveway, or permanent access easement. If an improved alley with a right-of-way of at least 18 feet in width is provided, all vehicle access must take place from the alley.
   b. All off-street vehicle parking areas must be designed to allow vehicles to enter and exit in a forward motion, except for parking associated with a detached house, duplex or attached house. An improved alley may be used as maneuvering space for access to off-street parking areas.
   c. All off-street vehicle parking must be designed so that vehicles enter or leave a parking space without having to move any other vehicle.
   d. All off-street vehicle parking must be arranged so that no vehicle is forced onto any public street, not including an alley, to gain access from one parking aisle to another parking aisle.

2. **Pedestrian Facilities**
   a. All off-street parking areas with at least 6 or more rows of parking must provide a separated pedestrian walkway.
   b. The pedestrian walkway must consist of an accessible, easily discernible, well-lit, and ADA-compliant walkway a minimum of 5 feet in width.
   c. A landscape median island with a pedestrian walkway must be a minimum of 9 feet wide (see Sec. 11.2.3).
   d. Pedestrian walkways must provide direct connections to building entrances from the spaces furthest from the entrance.
   e. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

3. **Parking Lot Landscaping**

All off-street vehicle parking areas designed to accommodate more than 20 spaces must be landscaped as specified in Sec. 11.2.3.

**F. Surfacing and Drainage**

1. All off-street vehicle parking and loading areas must be graded and drained to collect, retain and infiltrate surface water on-site so as to prevent damage to abutting properties or public streets.
2. Curbing must have openings to allow drainage to enter and percolate through landscaped areas.

3. All off-street vehicle parking and loading areas must be surfaced with concrete, asphaltic concrete, asphalt, or other dust-free surface. Porous pavement material may be substituted for standard dust-free pavements subject to the approval of the [Administrator]. Permitted materials may include, but are not limited to, grass, “grasscrete,” ring and grid systems used in porous or grid pavers.

4. Parking Space and Aisle Specifications

Off-street vehicle parking areas must meet the following dimensions. Parking spaces and drive aisles using dimensions other than those specified may be approved if prepared and sealed by a Registered Engineer in the [Jurisdiction], with expertise in parking lot design, subject to approval of the [Administrator].

### Minimum Dimensional Requirements

<table>
<thead>
<tr>
<th>Angle</th>
<th>Parking Row Depth</th>
<th>Drive Aisle Width</th>
<th>Space Width</th>
<th>Space Length</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>One-Way</td>
<td>Two-Way</td>
<td></td>
</tr>
<tr>
<td>Parallel</td>
<td>8’</td>
<td>12’</td>
<td>20’</td>
<td>8.5’</td>
</tr>
<tr>
<td>45°</td>
<td>20’</td>
<td>13’</td>
<td>24’</td>
<td>9’</td>
</tr>
<tr>
<td>60°</td>
<td>21’</td>
<td>18’</td>
<td>24’</td>
<td>9’</td>
</tr>
<tr>
<td>90°</td>
<td>18’</td>
<td>24’</td>
<td>24’</td>
<td>8.5’</td>
</tr>
</tbody>
</table>
5. Compact Parking
   a. Compact car parking spaces may be used in place of a standard size parking space. The total number of compact car parking spaces may not exceed 15% of the total number of required parking spaces.
   b. No more than 2 compact parking spaces may be placed side by side.
   c. Compact spaces may be reduced to 8 feet in width and 18 feet in depth.
   d. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

6. Bumper Overhangs
   In areas where vehicles will overhang a landscape area, any adjacent parking space may be reduced by up to 2 feet in length.

11.1.4. Curb Cuts and Driveways

A. Curb Cuts
   1. Unless otherwise approved or required by the [Administrator], a platted lot is only allowed one driveway access to a public street, not including an alley.
   2. Unless approved or required by the [Administrator], the driveway for a corner lot must connect to the street with the lower roadway classification, except that no access is allowed to a street with direct access to a single-family residentially zoned area without approval by the [Administrator].
   3. Additional driveways may be considered by [Administrator]. The table below is intended to provide criteria that will be used in making a determination. In addition, evaluation must consider the minimum driveway spacing and location requirements are met as follows, or where analysis has determined the size and configuration of a single driveway cannot accommodate expected traffic.

<table>
<thead>
<tr>
<th>Street Frontage</th>
<th>Driveways (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200’ of frontage or less</td>
<td>1</td>
</tr>
<tr>
<td>201’ to 400’ of frontage</td>
<td>2</td>
</tr>
<tr>
<td>401’ frontage or more</td>
<td>3</td>
</tr>
</tbody>
</table>

4. When allowed, driveways on the same property and same street frontage must be spaced 200 feet apart centerline to centerline.

5. Driveways may be no closer than 50 feet from the intersection of two street rights-of-way, not including an alley, measured from the centerline of the driveway.

B. Cross-Access
   1. All developments that abut a street other than a local street must provide for future cross-access.
   2. Where the abutting owner has not constructed a cross-access driveway, a stub for future cross-access must be provided to the subject property line.
   3. A stub for future cross-access must also be provided to all abutting vacant land.
   4. Any stub must extend to the boundary of the abutting property and be located at the most logical point where a future connection could be made.
   5. Where a stub exists on an abutting property, the cross-access driveway must connect to the stub.
   6. When cross-access is deemed impractical by the [Administrator] on the basis of topography, the presence of natural features, or safety factors, the requirement for cross-access may be waived.
   7. Property owners who establish a cross-access driveway must:
a. Record an easement allowing cross-access to and from properties served by the cross-access easement; and

b. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

8. The following uses are exempt from the cross-access requirement:

a. Single-family detached, two-family, single-family attached;

b. Multi-family (3 or 4 units);

c. Group living (up to 8 residents);

d. Cemetery, conservation area;

e. Minor utilities; and

f. All agriculture uses.

C. Driveway Dimensions

Driveway dimensions measured at the right-of-way must meet the following:

<table>
<thead>
<tr>
<th>Driveway Type</th>
<th>Width (min)</th>
<th>Width (max)</th>
<th>Curb Radius (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential: one-way</td>
<td>10’</td>
<td>12’</td>
<td>10’</td>
</tr>
<tr>
<td>Residential: two-way</td>
<td>20’</td>
<td>24’</td>
<td>10’</td>
</tr>
<tr>
<td>Public/Commercial: one-way</td>
<td>12’</td>
<td>18’</td>
<td>10’</td>
</tr>
<tr>
<td>Public/Commercial: two-way</td>
<td>20’</td>
<td>32’</td>
<td>15’</td>
</tr>
<tr>
<td>Industrial</td>
<td>30’</td>
<td>40’</td>
<td>30’</td>
</tr>
</tbody>
</table>

D. Double-Track Driveways

1. Double-track/wheel strip driveways are allowed with the following building types: detached house, backyard cottage, cottage court, duplex, attached house, four-plex and townhouse.

2. Each wheel strip must be at least 18 inches in width and the area between the wheel strips must be landscaped with living groundcover.

3. The area within the public right-of-way must be fully paved along its total width, from the property line to the curbline.

E. Shared Driveways

Shared driveways are allowed, so long as the width of the driveway meets the dimensional standards of Sec. 11.1.4.C. Shared driveways must be recorded in the deed records of the [Jurisdiction].

F. Garage Aprons

A garage apron, that exceeds the maximum permitted driveway width, is permitted to extend for a depth of 25 feet from the garage doors at which point the driveway must be no wider than the maximum permitted driveway width. The garage apron may be only as wide as the width of the garage.

G. Visibility at Intersections

Off-street vehicle parking and loading areas must adhere to the clear sight triangle.
### 11.1.5. Bicycle Access and Parking

**A. Minimum Number of Bicycle Spaces**

Bicycle parking must be provided in accordance with the table below. In no case is a single use required to provide more than 24 bicycle parking spaces.

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Spaces (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Multi-family (5 or more units)</td>
<td>0.5 per unit up to 2 bedrooms, plus 0.25 per additional bedroom</td>
</tr>
<tr>
<td>All other household living</td>
<td>None required</td>
</tr>
<tr>
<td>All group living (7 or more residents)</td>
<td>0.125 per bed</td>
</tr>
<tr>
<td>All social service</td>
<td>None required</td>
</tr>
<tr>
<td><strong>Public Uses</strong></td>
<td></td>
</tr>
<tr>
<td>All civic</td>
<td>1 per 5,000 SF, 2 min</td>
</tr>
<tr>
<td>All parks and open space</td>
<td>None required</td>
</tr>
<tr>
<td>All utilities</td>
<td>None required</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>All day care</td>
<td>1 per 2,500 SF, 2 min</td>
</tr>
<tr>
<td>All indoor recreation</td>
<td>1 per 2,500 SF, 2 min</td>
</tr>
<tr>
<td>All medical</td>
<td>1 per 2,500 SF, 2 min</td>
</tr>
<tr>
<td>All office</td>
<td>1 per 2,500 SF, 2 min</td>
</tr>
<tr>
<td>All outdoor recreation</td>
<td>1 per 2,500 SF, plus 1 per 5,000 SF of outdoor area, 2 min</td>
</tr>
<tr>
<td>All overnight lodging</td>
<td>1 per 20 rooms, 2 min</td>
</tr>
<tr>
<td>All parking</td>
<td>None required</td>
</tr>
<tr>
<td>All restaurants</td>
<td>1 per 2,500 SF, 2 min</td>
</tr>
<tr>
<td>All retail sales</td>
<td>1 per 2,500 SF, 2 min</td>
</tr>
<tr>
<td>All vehicle sales/rental</td>
<td>1 per 2,500 SF, 2 min</td>
</tr>
</tbody>
</table>

1. Where a use is not listed or only a broad use category is shown, the **[Administrator]** is responsible for categorizing the use in accordance with Div. 10.1.

2. When a combination of uses are included, the maximum number of off-street parking spaces allowed is the sum of the maximum numbers of spaces allowed for each individual use.

3. Unless otherwise noted, the bicycle parking requirement is based on the gross floor area of the building devoted to the particular use specified.
B. Access and Location

1. Required bicycle parking must be located in a convenient and visible area and be located at least as close as the closest non-accessible vehicle parking or within 100 feet, whichever is closest.

2. Required bicycle parking must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone or wood chips.

3. Required bicycle parking must be able to accommodate cable locks and "U" locks and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position.

4. Each required bicycle parking space must be at least 2 feet by 6 feet. Where a bike may be locked on both sides of a bicycle rack without conflict, each side may be counted as a required space.

5. Each required bicycle parking space must be accessible without moving another bicycle and its placement must not result in a bicycle obstructing a required walkway.

6. Required bicycle parking may be placed within the public right-of-way, provided the encroachment is approved by the [Administrator].

11.1.6. Vehicle Queuing

Adequate queuing off-street vehicle space must be made available on-site for any use having a drive-thru, control gate or area having drop-off and pick-up.

A. Restaurant

A restaurant (including a coffee shop) with a drive-thru must provide a minimum of 6 spaces before the order board, with another 4 spaces provided between the order board and the transaction window.

B. Bank

A bank with a drive-thru must provide a minimum of 3 spaces measured from the teller box.

C. Pharmacy

A pharmacy with a drive-thru must provide a minimum of 3 spaces measured from the order box.

D. Dry Cleaner

A dry cleaner with a drive-thru must provide a minimum of 3 spaces measured from the pick up door.

E. Control Gate

If a control gate is used to restrict entry for vehicles a minimum of one space must be provided.

F. All Other Uses

All other uses will be determined by the [Administrator].

G. Dimensions

1. The number of required spaces includes the space at the window or communication/mechanical device (e.g., order board, pick up window).

2. If a drive-thru has multiple order boxes, teller boxes or pick up windows, the number of required spaces may be split between each order box, teller box or pick up window.
3. Each space must be a minimum of 20 feet in length and 10 feet in width along straight portions. Spaces must be a minimum of 12 feet in width along curved segments.

4. Vehicles may not encroach on or interfere with the use of public streets and sidewalks by vehicles, bicycles or pedestrians.

5. Drive-thru lanes must be separated by striping or curbing from other off-street parking areas. Drive-thru lanes must be striped, marked or otherwise distinctly delineated.

H. Screening

1. Where drive-thru windows and lanes are allowed to be placed between a public street and the associated building, the entire length of the drive-thru lane, including but not limited to menu boards, queuing lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be screened.

2. Screening must consist of a 3-foot high continuous row of shrubs planted in a minimum 6-foot wide planting strip.

3. A 3-foot high wall in a minimum 4-foot planting strip may be installed in lieu of a hedge.
11.1.7. Vehicle Loading

A. Loading Not Required

1. Off-street vehicle loading space is not required unless determined necessary by the [Administrator]. Off-street vehicle loading and unloading for passengers must be considered by the [Administrator] for the following uses:

   a. Day care center;
   b. Group day care;
   c. Hotel or motel;
   d. Medical office;
   e. Place of worship; and
   f. Special event facility.

2. With the exception of areas specifically designated by the [Jurisdiction], vehicle loading and unloading of goods, materials, items or stock for delivery and shipping is not permitted on a public street, not including an alley.

3. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas.

4. If determined necessary by the [Administrator], adequate off-street space must be made available for the unloading and loading of vehicles.

B. Location

If a off-street loading space is provided or required, it must meet the following.

1. In RX, NX, CX, DX and CC, off-street loading areas must be located to the rear of buildings. Loading areas may not be placed between a public street (not including an alley) and the associated building.

2. No loading area is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the loading area).

C. Screening

If a loading area is provided or required, it must meet the following.

1. Where a loading dock designed for tractor-trailers is placed between a public street (not including an alley) or a shared lot line and the associated building, the entire length of the loading area must be screened.

2. Screening must consist of either:
   a. An 8-foot high wall; or
   b. Plant material that under typical conditions may be expected to reach a height of 8 feet and a spread of 4 feet within 3 years of planting. Plant material must be a minimum of 2 feet tall when planted.
Div. 11.2. Landscaping and Screening

11.2.1. Applicability

A. New Construction

Any new building or site improvement must comply with this Division.

B. Additions

1. When an existing building, use or site is increased in gross floor area or improved site area by up to 50% cumulatively, this Division applies to the additional floor or site area only.

2. When an existing building, use or site is increased in gross floor area or improved site area by more than 50% cumulatively, both the existing building, use or site and the additional floor or site area must conform to this Division.

C. Change in Use

A change in use does not trigger the application of these requirements except when there is a specific use standard requiring landscaping or screening for the new use.

D. Maintenance and Repair

An existing building or site may be repaired, maintained or modernized without conforming to this Division, provided there is no increase in gross floor area or improved site area.
11.2.2. Property Line Buffers

Property line buffers are intended to minimize conflicts between potentially incompatible, but otherwise permitted land uses on abutting property. A property line buffer may be located within a required setback.

A. District Boundary Buffer

A district boundary buffer is required as specified in the table below.

<table>
<thead>
<tr>
<th>PROPOSED DISTRICT</th>
<th>AG-</th>
<th>RC-</th>
<th>RS-</th>
<th>RM-1</th>
<th>RM-2</th>
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</table>

**KEY:**
A/B/C/D = Buffer A, B, C or D required, choice of A, B C or D at applicant’s discretion
C/D = Buffer C or D required, choice of C or D at applicant’s discretion

B. Use Boundary Buffers

A use boundary buffer may also be required along perimeter lot lines for specific uses (see Article 10).
C. Buffer Installation Requirements

The tables below prescribe the minimum width, screening and landscaping requirements for each buffer type.

<table>
<thead>
<tr>
<th></th>
<th>Type A</th>
<th>Type B</th>
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<tbody>
<tr>
<td>Depth (min)</td>
<td>6'</td>
<td>10'</td>
</tr>
<tr>
<td>Fence height (min)</td>
<td>Not allowed</td>
<td>6'</td>
</tr>
<tr>
<td>Wall height (min)</td>
<td>6'</td>
<td>Not required</td>
</tr>
<tr>
<td>Shade Trees (min per 100')</td>
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<td>4</td>
</tr>
<tr>
<td>Understory Trees (min per 100')</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Shrubs (min per 100')</td>
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</tbody>
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<table>
<thead>
<tr>
<th></th>
<th>Type C</th>
<th>Type D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth (min)</td>
<td>20'</td>
<td>35'</td>
</tr>
<tr>
<td>Fence height (min)</td>
<td>Not allowed</td>
<td>6'</td>
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<tr>
<td>Wall height (min)</td>
<td>6'</td>
<td>Not required</td>
</tr>
<tr>
<td>Shade Trees (min per 100')</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Understory Trees (min per 100')</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Shrubs (min per 100')</td>
<td>40</td>
<td>60</td>
</tr>
</tbody>
</table>

D. Location

1. A required buffer must be located within the outer perimeter of the lot, parallel to and extending to the property boundary line. A required buffer must be provided along the entire frontage immediately abutting the property line. Landscaping must be planted on the inside of the required buffer.

2. A required buffer may not be located on any portion of an existing, dedicated or reserved public right-of-way.

3. Breaks for pedestrian, bicycle and vehicle access are allowed. Driveways or walkways must cross a buffer at as near a perpendicular angle as practical.

4. The width of a required buffer is calculated on the average width per 100 feet or portion of buffer. The minimum width of the buffer at any one point cannot be less than one-half the required width of the buffer.

E. Encroachments

1. The parking of vehicles and the placement of buildings or structures, except for walls, fences and landscaping is not allowed in a required buffer.

2. No building or structure on the subject site may be located closer than 10 feet to a required buffer.
F. Grade Change

In lieu of a required wall or fence, a natural or man-made grade separation of at least 6 feet in elevation may be provided.

1. The developing property must be located at an elevation lower than the property to be screened.

2. The stabilized side slopes of the grade change may be no greater than 3:1.

G. Alternative Compliance

The buffer requirements may be modified by the [Planning & Zoning Commission]. The [Planning & Zoning Commission] must consider the following criteria in determining the appropriateness of alternative compliance:

1. The existing topography or vegetation achieve the purpose and intent of this Division.

2. For topographic reasons, a fence or wall or other required screening device could not screen activities from an abutting property as required by this Division.
11.2.3. Parking Lot Landscaping

A. Applicability

Parking lot landscaping is required for all off-street vehicle parking areas with more than 20 spaces created after the effective date of this Land Development Code. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.

B. Internal Perimeter Screening

1. An internal perimeter island must be provided along primary internal access drives.

2. A internal perimeter island must be a minimum of 10 feet wide and be planted with a 3-foot high continuous row of shrubs.

C. Interior Islands

1. A landscaped interior island must be provided every 8 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

2. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 200 square feet in area. Each island must include one shade tree.

3. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 400 square feet in area. Each island must include 2 shade trees.

4. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

D. Median Islands

1. A landscape median island must be provided between every 6 rows of parking. Intervals may be expanded in order to preserve existing trees.

2. A landscape median island may serve as the location for a required pedestrian walkway (see Sec. 11.1.3.D).

3. A landscape median island without pedestrian walkway must be a minimum of 6 feet wide. A landscape median island with a pedestrian walkway must be a minimum of 9 feet wide.

4. The portion of the median island not containing the pedestrian walkway must be installed below the level of the parking lot surface to allow for runoff capture, except for access to the landscape median from the parking area.
E. Landscape Strips

1. Applicability
   All off-street vehicle parking areas (of any size) abutting a public street (not including an alley) must be screened as specified below.

2. Location
   A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area abutting the street, excluding breaks for pedestrians, bicycles and driveways.

3. Landscape Strip with Shrubs
   A minimum 10-foot wide landscape strip planted with 3-foot high continuous row of shrubs.

4. Landscape Strip with Wall
   A minimum 4-foot wide landscape strip with a 3-foot high wall.

5. Landscape Strip with Berm
   A berm a minimum of 3 feet higher than the finished elevation of the parking area.

6. Landscape Strip with Grade Change
   A 6-foot landscaped strip with a minimum 3-foot grade drop from the public street to the parking area planted with a continuous row of shrubs.

F. Snow Storage
   The dimensional standards of this section may be increased by the Administrator where additional snow storage is needed on the site.
11.2.4. Screening

A. Service Areas

1. Trash and recycling collection and other similar service areas must be located to the side or rear of buildings. Trash and recycling collection areas must be located as far away from residential structures on neighboring properties as practical.

2. Service areas must be screened on 3 sides by a wall a minimum 6 feet in height and on the 4th side by a solid gate at a minimum of 6 feet in height.

3. The gate and wall must be maintained in good working order and must remain closed except when trash pick-ups occur.

B. Roof-Mounted Equipment

1. Roof-mounted equipment must be set back at least 10 feet from the edge of the roof and screened from ground level view from abutting property or abutting public street (not including an alley).

2. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material and color.

3. Buildings with no or low parapet walls, roof-mounted equipment must be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material and color.

C. Wall-Mounted Equipment

1. Wall-mounted equipment located on any surface that is visible from a public street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material and color.

2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

D. Ground-Mounted Equipment

1. Ground-mounted mechanical equipment that is visible from a public street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material and color.
2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

11.2.5. Walls and Fences

A. Materials

1. Walls must be constructed of high quality materials including decorative blocks, brick, stone, cast-stone, split-faced block, stucco over standard concrete masonry blocks, glass block; or other material approved by the Administrator.

2. Fences must be constructed of high quality materials including wood; wrought iron; composite fencing, PVC; aluminum; metal; or other material approved by the Administrator.

3. No wall or fence may be constructed of tires, junk, or other discarded materials.

4. Chain-link fence, barbed wire and concertina wire are allowed only in a rear or side setback.

5. Chain link is allowed as a fence material in primary or side street setback around a school, tennis court or sports field.

6. Walls and fences in a required buffer must be opaque.

7. Walls in a required landscape strip must be opaque.

B. Location

1. No wall or fence may be located within any required drainage or utility easement.

2. The finished face of all wall and fences must be located toward the abutting property.

3. For walls and fences located outside of a required buffer, the maximum length of a continuous, unbroken and uninterrupted fence or wall plane is 100 feet. Breaks must be provided through the use of columns, landscaped areas, transparent sections or a change in material.

C. Height

1. Wall or fence height is measured from the subject property grade to the highest point of the fence.

2. A wall or fence located in a side or rear setback may be no more than 8 feet in height.

3. A wall or fence located in a primary or side street setback may be no more than 6 feet in height, provided the transparency of the wall or fence above 4 feet in height is more than 25%. Columns that are a maximum width of 18 inches each and spaced a minimum of 8 feet apart, are allowed to reach a maximum height of 8 feet.

D. Subdivision Entrances

A subdivision entrance wall or fence may not exceed 8 feet in height.
11.2.6. Installation and Maintenance

A. Replacement Bond

1. Prior to issuance of a Certificate of Occupancy, a performance bond or cash escrow must be paid guaranteeing all landscaping and screening materials and work for a period of 2 years after issuance of the Certificate of Occupancy.

2. The bond or escrow must be in the amount of 100% of the estimated cost of replacing all of the landscaping required by this Land Development Code.

3. At the end of 2 years, the [Administrator] will make an inspection and notify the owner and the bond company of any corrections to be made.

B. Plant Material

   a. Plant materials must be hardy to zone Zone 4b in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.
   b. Plant materials must be able to survive on natural rainfall once established with no loss of health.
   c. Tree height is measured from the top of the root ball to the tip of the main stem.
   d. No artificial plants, trees, or other vegetation may be installed as required landscaping and screening.

2. Shade Trees
   a. All shade trees planted to meet the landscaping requirements must be a locally-adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater unless subject to an overhead power line in which case the mature height may be less.
   b. All shade trees planted to meet the landscaping requirements must have a minimum caliper of 3 inches and be at least 10 feet tall at time of planting.

3. Understory Trees
   a. Understory trees planted to meet the landscaping requirements must be a locally-adapted species with an expected mature height of at least 15 feet and an expected mature crown spread of at least 15 feet.
   b. Single-stem understory trees planted to meet the landscaping requirements must have a minimum caliper of 1½ inches and be at least 6 feet tall at time of planting.
   c. Multi-stem understory trees planted to meet the landscaping requirements must be at least 6 feet tall at time of planting.

4. Additional Requirements for Trees in a Buffer
   a. In a required buffer, 50% of required trees must be locally-adapted evergreen species.
   b. Trees must be distributed so that there are no horizontal gaps between trees greater than 30 feet, measured along the property line.

5. Shrubs
   a. Buffer
      i. All shrubs planted to meet the buffer requirements must be evergreen and be of a species that under typical conditions are expected to reach a height and spread of 4 feet within 3 years of planting. All shrubs must be a minimum of 2 feet tall when planted.
ii. Shrubs cannot be planted within the critical root zone of any tree.

b. Parking Areas

i. All shrubs planted to meet the landscaping requirements must be of a species that under typical conditions are expected to reach a height and spread of 3 feet within 3 years of planting. All shrubs must be a minimum of 18 inches tall when planted.

ii. All shrubs planted to meet the landscape requirements, must form at least 1 continuous row of shrubs spaced five feet on center.

6. Berms

a. A berm cannot be built in a required buffer.

b. A berm must have a minimum average height of 3 feet, measured perpendicular to the center of the crown.

c. A berm must have a stabilized side slope of no greater than three-to-one. A steeper side slope may be used in exceptional cases when all of the following are met:

i. This steeper slope is sufficiently stabilized; and

ii. Physical constraints of the site prevent the use of a flatter slope.

d. Berms may be permitted to meander and may be discontinuous when approved by the [Administrator].

C. Maintenance of Landscaping

1. Responsibility

The property owner is responsible for maintaining all required landscaping and screening in good health and condition and the removal of any litter that has accumulated in landscaped areas. Any dead, unhealthy, damaged or missing landscaping and screening must be replaced with landscaping and screening that conforms to this Land Development Code within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials).

2. Soil Erosion

a. All planting areas must be stabilized from soil erosion immediately upon planting and must be maintained for the duration of the use.

b. Grass areas must be sodded prior to the issuance of a Certificate of Occupancy. If grass seed must be used, it must be a variety suitable to the area that produces complete coverage.

3. Pruning and Trimming

a. All required landscaping must be allowed to reach its required size and must be maintained at no less than required size.

b. To prevent long-term harm to the health of required landscaping, all pruning of shrubs and trees must be done in accordance with the International Society of Arboriculture Standards entitled “ANSI A300 Standards.”

c. “Topping,” defined as removal of more than one-third of the leaves and branches of a tree, as measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited, except where necessary to maintain public overhead utilities.
Div. 11.3. Signs

11.3.1. General Provisions

A. Applicability

No sign may not be erected, altered, refurbished or otherwise modified after the effective date of this Land Development Code except in accordance with the requirements of this Division.

B. Sign Permit Required

1. All sign types described in Sec. 11.3.6 require a sign permit before they may be installed, constructed, reconstructed, altered, or relocated. Signs described in Sec. 11.3.5 do not require a sign permit, but must follow applicable standards.

2. The following alteration and maintenance activities do not require a sign permit:
   a. Painting, cleaning, or other normal maintenance and repair of a sign, provided that no change is made to any structural or electronic component of the sign.
   b. Changing the message of an existing changeable copy of sign, or the sign message within an existing sign structure, provided that no change is made to any structural or electronic component of the sign.

3. Any sign that encroaches upon or over a public right-of-way requires an encroachment permit.

C. Nonconforming Signs

1. All nonconforming signs in existence before the effective date of this Land Development Code may continue to be used provided they are maintained in a safe manner and are kept in good repair. Minor repair and maintenance of a nonconforming sign is allowed.

2. Nonconforming signs may stay in place until one of the following occurs (except to bring the sign out if its nonconforming condition and into compliance with the requirements of this Division):
   a. The sign has damage exceeding 50% of its value immediately prior to the event causing the damage or destruction;
   b. The deterioration of the sign makes it a hazard;
   c. The sign is relocated in any manner;
   d. The sign is structurally altered; or
   e. More than 50% of the sign face is permanently altered.

3. For the purpose of this Division, structural alteration of sign modifies the sign dimensions, height, lighting or support structure. The replacement of a sign face with a new sign face of the same size is not considered structural alteration.

4. If determined by the [Administrator] that a nonconforming sign meets the criteria of Sec. 11.3.1.C.2, the [Administrator] will give the owner 30 working days written notice to bring the sign into conformance or the sign will be removed at the owner's expense.

5. Temporary signs (including sidewalk signs) cannot be considered nonconforming and are subject to the requirements of this Division on or after the effective date of this Land Development Code.

D. Location

1. Each sign must be located on the same lot or site as the subject of the sign.

2. No sign, other than signs placed by agencies of government or a sign whose placement is
authorized by such agencies, may be erected or placed on public property.

3. No sign may be installed in a way that obstructs free and clear vision, or free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, sidewalk, building entrance, fire escape, or accessibility ramp.

4. No sign may be placed so as to obstruct any door.

5. Signs must not be located so that they do not cover architectural features of a building or structure, including, but not limited to, transoms, insignias, or any other architectural feature.

6. Signs cannot be painted on or attached to a telephone or utility pole, tree or traffic sign.

E. Construction

1. Signs must be constructed of permanent materials and be permanently affixed to the ground or a structure, except for allowed temporary signs (including sidewalk signs).

2. If a raceway is necessary, it must not extend in width or height beyond the area of the sign. A raceway must be finished to match the background surface to which it is attached, or integrated into the overall design of the sign.

F. Maintenance

1. Signs must be maintained in good condition at all times and must be kept free of cracked or peeling paint, or missing or damaged components.

2. The [Administrator] may cause to be removed after due notice any sign which shows gross neglect, becomes dilapidated, or if the ground area around it is not well maintained.

3. The [Administrator] will give the owner 10 working days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the [Administrator] will have the sign removed at the owners expense.

11.3.2. Signs Not Allowed

All sign not expressly allowed by this Division are deemed not allowed. Signs not allowed include, but are not limited to, the following.

A. Signs on vehicles that do not display a current vehicle inspection sticker or license plate, are not principally used as a mode of transportation for business purposes, or are conspicuously parked or located on a lot for more than 24 hours to advertise a product or service, or to direct the public to a business or activity located on or off the premises.

B. Rotating or animated signs involving motion or sound, except for clocks.

C. Any sign with audio speakers or any form of pyrotechnics.

D. Flashing, blinking, or varying light intensity signs.

E. Signs that contain or are an imitation of an official traffic sign or signal.

F. Any reflective or mirrored sign.

G. Pennants and streamers.

H. Inflatable signs, including but not limited to balloons, gas inflated signs or similar inflated devices.

I. Search lights.

J. Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.

K. Any sign attached to the roof of a building except as allowed in Sec. 11.3.11.
11.3.3. Heritage Signs

A. A sign having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered, may be designated as a heritage sign.

B. A heritage sign must be maintained, repaired, or relocated, so long as no modification are made to the sign.

C. In order for a sign to be designated a heritage sign, the Planning & Zoning Commission must make written findings that the sign is at least 50 years old, and meets at least one of the following criteria:

1. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of the Jurisdiction.

2. The sign is significant as evidence of the history of the product, business, or service advertised.

3. The sign embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.

4. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the community.

11.3.4. Temporary Signs

The following temporary signs do not require a sign permit but must follow applicable standards.

A. Temporary signs must be located on private property with the property owner's consent. Temporary signs cannot be located within the public right-of-way.

B. Temporary signs cannot be illuminated.

C. Specific requirements for temporary signs are listed below.

<table>
<thead>
<tr>
<th>District</th>
<th>Number (max)</th>
<th>Duration</th>
<th>Size (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG-, RC-, RS-</td>
<td>1 per street frontage</td>
<td>Allowed 14 days prior to event, must be removed day after event.</td>
<td>4 sf per allowed sign</td>
</tr>
<tr>
<td>RM-, NX</td>
<td>1 per street frontage</td>
<td>Allowed 14 days prior to event, must be removed day after event.</td>
<td>12 sf per allowed sign</td>
</tr>
<tr>
<td>CX, DX, CC</td>
<td>3 per street frontage</td>
<td>Allowed 14 days prior to event, must be removed within 5 days after event.</td>
<td>24 sf per allowed sign</td>
</tr>
<tr>
<td>CH, IL, IH</td>
<td>3 per street frontage</td>
<td>Allowed 14 days prior to event, must be removed within 5 days after event.</td>
<td>24 sf per allowed sign</td>
</tr>
<tr>
<td>CIV, REC</td>
<td>1 per street frontage</td>
<td>Allowed 14 days prior to event, must be removed within 5 days after event.</td>
<td>12 sf per allowed sign</td>
</tr>
<tr>
<td>CON</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

11.3.5. Signs Allowed Without a Permit

The following signs are allowed and are exempt from Sec. 11.3.6 but must follow applicable standards.

A. All signs erected in a public right of way by a public agency.

B. Official notices issued by any court, public agency, or officer.

C. Any small freestanding or building mounted sign, not exceeding 3 square feet in area, bearing text or an image in memory of one or more persons, an event, a former use of the place, or other historical matter.

D. Flags.

1. A maximum of 3 of the following flags are allowed per street frontage:
a. The official flag of The United States of America;

b. Any official flag of a state or territory of the United States of America;

c. Any official flag adopted by a member state of the United Nations;

d. Any official flag adopted by a sovereign nation, including Switzerland; and

e. Any flag that contains the official logo or trademarked symbol of the business, entity or development on which the flagpole is located.

2. An individual flag cannot exceed 60 square feet in area.

3. The maximum height of a flagpole is 40 feet, measured from the highest point of the flagpole to the top of the abutting sidewalk or parking area.

E. Signs designated by the [Planning & Zoning Commission] as having historical significance.

F. Holiday decorations such as signs or other material temporarily displayed on traditionally accepted civic, patriotic, or religious holidays.

G. Any sign not visible from a public street.

H. A sign installed inside a window for the purposes of viewing from outside the premises. Such signs cannot exceed 30% of the total window area. Window signs are not allowed in a Residential District or a Civic/Open Space District.
11.3.6. Signs Requiring a Permit

A. Sign Types

The following signs are allowed following the issuance of a sign permit.

<table>
<thead>
<tr>
<th>Sign Descriptions</th>
<th>Illustration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Signs</strong></td>
<td></td>
</tr>
<tr>
<td>Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.</td>
<td>![Wall Sign Image]</td>
</tr>
<tr>
<td>Awning Sign. A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.</td>
<td>![Awning Sign Image]</td>
</tr>
<tr>
<td>Canopy Sign. A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.</td>
<td>![Canopy Sign Image]</td>
</tr>
<tr>
<td>Projecting Sign. A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.</td>
<td>![Projecting Sign Image]</td>
</tr>
<tr>
<td>Roof Sign. A building sign that is attached to the top of a building, extending above the roofline.</td>
<td>![Roof Sign Image]</td>
</tr>
<tr>
<td>Hanging Sign. A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.</td>
<td>![Hanging Sign Image]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sign Descriptions</th>
<th>Illustration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Freestanding Signs</strong></td>
<td></td>
</tr>
<tr>
<td>Monument Sign. A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.</td>
<td>![Monument Sign Image]</td>
</tr>
<tr>
<td>Double Post Sign. A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.</td>
<td>![Double Post Sign Image]</td>
</tr>
<tr>
<td>Single Post Sign. A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.</td>
<td>![Single Post Sign Image]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sign Descriptions</th>
<th>Illustration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other</strong></td>
<td></td>
</tr>
<tr>
<td>Entry Feature Sign. A sign permanently affixed to the ground which is wholly independent of a building for support and is attached along its entire width to a continuous pedestal that is used to identify entry to a development.</td>
<td>![Entry Feature Sign Image]</td>
</tr>
<tr>
<td>Sidewalk Sign. A movable sign not secured or attached to the ground or surface upon which it is located.</td>
<td>![Sidewalk Sign Image]</td>
</tr>
</tbody>
</table>
### B. Sign Types Allowed by District

Signs are allowed by district. Specific requirements for each sign are shown on the following pages.

<table>
<thead>
<tr>
<th>Building Signs</th>
<th>AG-</th>
<th>RC-</th>
<th>RS-</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RX</th>
<th>NX</th>
<th>CX</th>
<th>DX</th>
<th>CC</th>
<th>CH</th>
<th>IL</th>
<th>IH</th>
<th>CIV</th>
<th>REC</th>
<th>CON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Sign</td>
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<tr>
<td>Awning Sign</td>
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<tr>
<td>Canopy Sign</td>
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<tr>
<td>Projecting Sign</td>
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<td>Roof Sign</td>
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<td>Hanging Sign</td>
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<tr>
<td>Freestanding Signs</td>
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<tr>
<td>Monument Sign</td>
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<tr>
<td>Double Post Sign</td>
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</tr>
<tr>
<td>Single Post Sign</td>
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<tr>
<td>Other Signs</td>
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<tr>
<td>Entry Feature Sign</td>
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<tr>
<td>Sidewalk Sign</td>
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</tr>
</tbody>
</table>

P = sign type allowed  L = sign type allowed for nonresidential uses only  -- = sign type not allowed

1. The maximum total sign area may be allocated among the permitted signs in each district, provided that each sign conforms to the applicable regulations of the district in which the sign is located and the applicable regulations for the sign type.

2. In no case may the total area of all signs on a particular site exceed the maximum total sign area given for a site in a particular zoning district.

3. Heritage signs do not count toward the maximum total sign area or the maximum number of permitted signs.
### C. Allocation of Sign Area

The maximum sign area for each sign type is determined by district and is established below.

<table>
<thead>
<tr>
<th></th>
<th>Building Signs</th>
<th>Freestanding Signs</th>
<th>Entry Feature Sign</th>
<th>Sidewalk Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AG-, RC-, RS-, RM-</strong></td>
<td>Nonresidential: 0.25 sf per linear ft of building frontage or 12 sf, whichever is greater</td>
<td>Nonresidential: 16 sf per allowed sign</td>
<td>24 sf per allowed sign</td>
<td>Not allowed</td>
</tr>
<tr>
<td><strong>RX</strong></td>
<td>0.50 sf per linear ft of building frontage or 24 sf, whichever is greater</td>
<td>16 sf per allowed sign</td>
<td>Not allowed</td>
<td>9 sf per allowed sign</td>
</tr>
<tr>
<td><strong>NX</strong></td>
<td>0.75 sf per linear ft of building frontage, or 24 sf, whichever is greater</td>
<td>16 sf per allowed sign</td>
<td>Not allowed</td>
<td>9 sf per allowed sign</td>
</tr>
<tr>
<td><strong>CX</strong></td>
<td>1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater</td>
<td>16 sf per allowed sign</td>
<td>24 sf per allowed sign</td>
<td>9 sf per allowed sign</td>
</tr>
<tr>
<td><strong>DX</strong></td>
<td>1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>9 sf per allowed sign</td>
</tr>
<tr>
<td><strong>CC</strong></td>
<td>1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater</td>
<td>Monument: Based on # of tenants Double/Sign Post: 16 sf per allowed sign</td>
<td>24 sf per allowed sign</td>
<td>9 sf per allowed sign</td>
</tr>
<tr>
<td><strong>CH, IL, IH</strong></td>
<td>1.50 sf per linear ft of building frontage</td>
<td>Monument: Based on # of tenants Double/Sign Post: 16 sf per allowed sign</td>
<td>24 sf per allowed sign</td>
<td>9 sf per allowed sign</td>
</tr>
<tr>
<td><strong>CIV, REC</strong></td>
<td>0.75 sf per linear ft of building frontage</td>
<td>16 sf per allowed sign</td>
<td>24 sf per allowed sign</td>
<td>9 sf per allowed sign</td>
</tr>
<tr>
<td><strong>CON</strong></td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

1. Building frontage is determined by measuring the total length of each street-facing building facade that runs approximately parallel with the street the sign is intended to be viewed from. Non street-facing building facades are not allocated sign area, however, sign area allocated to a street-facing building facade may be used on a non street-facing building facade. Sign allocation from one street-facing building facade cannot be transferred to another street-facing building facade.

2. Street frontage is that portion of a lot that abuts a public or private street. A lot that abuts one street has one street frontage, a lot that abuts 2 streets has 2 street frontages, a lot that about 3 streets has 3 street frontages, and a lot that abuts 4 streets has 4 street frontages.
11.3.7. Wall Sign

Description
A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.

General Provisions
1. A wall sign must be placed no higher than 18 feet above the sidewalk.
2. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
3. A wall sign cannot cover windows or architectural details.
4. A wall sign may be externally or internally illuminated in accordance with Sec. 11.3.19.

Dimensions

<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see Sec. 11.3.6.B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td></td>
</tr>
<tr>
<td>RC-, RS-, RM-</td>
<td>12 sf max</td>
</tr>
<tr>
<td>RX, NX, CIV, REC</td>
<td>24 sf max</td>
</tr>
<tr>
<td>CX, DX, CC</td>
<td>32 sf max</td>
</tr>
<tr>
<td>CH, IL, IH</td>
<td>40 sf max</td>
</tr>
<tr>
<td>Projection - measured from building facade</td>
<td>1’ max</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment
May encroach over the public sidewalk but not over any public street or alley.
### 11.3.8. Awning Sign

**Description**

A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.

**General Provisions**

1. An awning sign cannot extend outside the awning.
2. Only awnings over ground story doors or windows may contain signs.
3. One sign is allowed per awning. A sign may be on either the front or side valance (but no on both).
4. Signs are not allowed on the sloping face of an awning.
5. An awning sign cannot be illuminated.

**Dimensions**

<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see Sec. 11.3.6.B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Size</strong></td>
<td></td>
</tr>
<tr>
<td>RX, NX, CIV, REC</td>
<td>9 sf max</td>
</tr>
<tr>
<td>CX, DX, CC</td>
<td>16 sf max</td>
</tr>
<tr>
<td>CH, IL, IH</td>
<td>20 sf max</td>
</tr>
<tr>
<td>Height</td>
<td>1’ max</td>
</tr>
</tbody>
</table>

**Right-of-Way Encroachment**

May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.
11.3.9. Canopy Sign

Description
A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.

General Provisions
1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. A maximum of one sign is allowed per canopy.
3. A canopy sign may be externally or internally illuminated in accordance with Sec. 11.3.19.

Dimensions

<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see Sec. 11.3.6.B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td></td>
</tr>
<tr>
<td>RX, NX, CIV, REC</td>
<td>16 sf max</td>
</tr>
<tr>
<td>CX, DX, CC,</td>
<td>24 sf max</td>
</tr>
<tr>
<td>CH, IL, IH</td>
<td>32 sf max</td>
</tr>
<tr>
<td>Height</td>
<td>2’ max</td>
</tr>
<tr>
<td>Depth</td>
<td>1’ max</td>
</tr>
<tr>
<td>Clear height</td>
<td></td>
</tr>
<tr>
<td>above sidewalk</td>
<td>9’ min</td>
</tr>
<tr>
<td>above parking area or driveway</td>
<td>14’ min</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment
May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.
11.3.10. Projecting Sign

Description
A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.

General Provisions
1. A projecting sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
2. Only one projecting sign is allowed per tenant per street frontage.
3. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both frontages may be used.
4. A projecting sign may only be externally illuminated in accordance with Sec. 11.3.19.

Dimensions
<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see Sec. 11.3.6.B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td></td>
</tr>
<tr>
<td>RX, NX, CIV, REC</td>
<td>12 sf max</td>
</tr>
<tr>
<td>CX, DX, CC</td>
<td>16 sf max</td>
</tr>
<tr>
<td>CH, IL, IH</td>
<td>20 sf max</td>
</tr>
<tr>
<td>Projection - measured from building facade</td>
<td>4’ max</td>
</tr>
<tr>
<td>Width</td>
<td>1’ max</td>
</tr>
<tr>
<td>Clear height</td>
<td></td>
</tr>
<tr>
<td>above sidewalk</td>
<td>9’ min</td>
</tr>
<tr>
<td>above parking area or driveway</td>
<td>14 min’</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment
May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.
11.3.11. Roof Sign

Description
A building sign that is attached to the top of a building, extending above the roofline.

General Provisions
1. A maximum of one roof sign is allowed per building.
2. A roof sign may only be installed on a flat roof.
3. Roof signs must not interfere with roof access points.
4. A roof sign may only be internally illuminated in accordance with Sec. 11.3.19.

Dimensions

<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see Sec. 11.3.6.B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>32 sf max</td>
</tr>
<tr>
<td>Height (including structure)</td>
<td>4 sf max</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment
May encroach over the public sidewalk but not over any public street or alley.
11.3.12. Hanging Sign

Description

A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.

General Provisions

1. A hanging sign must be located within 5 feet of an accessible building entrance.
2. A hanging sign cannot be illuminated.

Dimensions

<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see Sec. 11.3.6.B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>3 sf max</td>
</tr>
<tr>
<td>Height</td>
<td>2’ max</td>
</tr>
<tr>
<td>Width</td>
<td>3’ max</td>
</tr>
<tr>
<td>Clear height</td>
<td></td>
</tr>
<tr>
<td>above sidewalk</td>
<td>9’ min</td>
</tr>
<tr>
<td>above parking area or driveway</td>
<td>14 min’</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment

May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.
11.3.13. Monument Sign

Description
A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.

General Provisions
1. Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage.
2. Monument signs must display the street address of the property. If the area of the address is 5 square feet or less, the area does not count towards the allocation of sign area.
3. A monument sign must be set back at least 10 feet from the primary or side street lot line and 15 feet from a side lot line.
4. A monument sign may be externally or internally illuminated in accordance with Sec. 11.3.19.

Dimensions

<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size (by number of tenants)</td>
<td>A</td>
</tr>
<tr>
<td>1 tenant</td>
<td>24 sf max</td>
</tr>
<tr>
<td>2 to 3 tenants</td>
<td>32 sf max</td>
</tr>
<tr>
<td>5 or more tenants</td>
<td>40 sf max</td>
</tr>
<tr>
<td>Height</td>
<td>B</td>
</tr>
<tr>
<td>CC</td>
<td>6’ max</td>
</tr>
<tr>
<td>CH, IL, IH</td>
<td>10’ max</td>
</tr>
<tr>
<td>Base height</td>
<td>C</td>
</tr>
<tr>
<td>CC</td>
<td>1’ min</td>
</tr>
<tr>
<td>CH, IL, IH</td>
<td>2’ min</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment
Not allowed.
11.3.14. Double Post Sign

Description
A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.

General Provisions
1. Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage.
2. A double post sign must be set back at least 10 feet from the front lot line and 15 feet from a side lot line.
3. A double post sign must display the street address of the property. If the area of the address is 5 square feet or less, the area does not count towards the allocation of sign area.
4. A double post sign may only be externally illuminated in accordance with Sec. 11.3.19.

Dimensions
<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>16 sf max</td>
</tr>
<tr>
<td>Height</td>
<td>4’ max</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment
Not allowed.
11.3.15. Single Post Sign

Description
A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.

General Provisions
1. The hanging bracket must be an integral part of the sign design.
2. Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage.
3. A single post sign must be set back at least 10 feet from the front lot line and 10 feet from a side lot line.
4. A single post sign may only be externally illuminated in accordance with Sec. 11.3.19.

Dimensions
- Allocation of sign area: see below
- Size: 16 sf max
- Height: 6’ max
- Length: 4’ max
- Width: 4’ max

Right-of-Way Encroachment
Not allowed.
11.3.16. Entry Feature Sign

Description
A sign permanently affixed to the ground which is wholly independent of a building for support and is attached along its entire width to a continuous pedestal that is used to identify entry to a development.

General Provisions

1. One entry feature sign is allowed per street frontage.
2. An entry feature sign must be set back at least 15 feet from the front property line and 15 feet from a side property line.
3. An entry feature sign may only be externally illuminated in accordance with Sec. 11.3.19.

Dimensions

<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>24 sf max</td>
</tr>
<tr>
<td>Height</td>
<td>8’ max</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment

Not allowed.
11.3.17. Sidewalk Sign

Description
A movable sign not secured or attached to the ground or surface upon which it is located.

General Provisions
1. Each ground floor tenant may have one sidewalk sign located adjacent to the primary facade with the principal customer entrance, or up to 8 feet from that facade.
2. A sidewalk sign must be removed and placed indoors at the close of business each day.
3. A sidewalk sign cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility. A minimum sidewalk clearance of 6 feet in width must be maintained.
4. A sidewalk sign must have a locking arm or other device to stabilize the structure.
5. A sidewalk sign cannot be illuminated.

Dimensions
<table>
<thead>
<tr>
<th>Allocation of sign area</th>
<th>see below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>9 sf max</td>
</tr>
<tr>
<td>Height</td>
<td>4’ max</td>
</tr>
<tr>
<td>Width</td>
<td>3’ max</td>
</tr>
</tbody>
</table>

Right-of-Way Encroachment
May encroach on a public sidewalk but not over a public street or alley. The sign cannot obstruct vehicular, bicycle or pedestrian traffic and it must comply with ADA clearance and accessibility. A minimum sidewalk clearance of 6 feet in width must be maintained.
11.3.18. Sign Measurements

A. Sign Area

1. Sign area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the sign message.

2. Irregular shapes are calculated by up to a maximum of 3 connected shapes.

3. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign and the background used to differentiate the sign from the structure on which it is mounted.

4. Sign area does not include any structure supporting the sign unless the support structure forms a part of the message being displayed.

5. The area for a sign with more than one face is computed by adding together the area of all sign faces greater than 45 degrees; if the sign face angle is less than 45 degrees, only the area of the largest sign face is computed as part of the sign area.

B. Sign Height

1. The total height of a ground sign is measured from the highest point of the sign or supporting structure to the finished grade directly below it.

2. The height may not be artificially increased by the use of mounding.
11.3.19. Illumination

Illumination of signs must be in accordance with the following requirements.

A. Illumination Permitted by Sign Type

<table>
<thead>
<tr>
<th>Building Signs</th>
<th>Internal</th>
<th>External</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Sign</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Awning Sign</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Canopy Sign</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Projecting Sign</td>
<td>Not allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Roof Sign</td>
<td>Allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Hanging Sign</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Freestanding Signs</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument Sign</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Double Post Sign</td>
<td>Not allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Single Post Sign</td>
<td>Not allowed</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Signs</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry Feature Sign</td>
<td>Not allowed</td>
<td>Allowed</td>
</tr>
<tr>
<td>Sidewalk Sign</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

B. Prohibited Light Sources

1. Blinking, flashing and chasing.
2. Bare bulb illumination.
3. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
4. Direct reflected light that creates a hazard to operators of motor vehicles.
5. Lights that outline property lines, sales areas, roof lines, doors, windows or similar area are not allowed, except for seasonal lighting.

C. Externally Illuminated Signs

1. An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.
2. Illumination must be by top-mounted fixtures aimed downward, and they cannot exceed 200 lamp lumens per square foot of sign face.

D. Internally Illuminated Signs

1. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.

2. All lamps intended for internal illumination must be fully concealed from view.

3. Internal illumination cannot exceed 300 lamp lumens per square foot of sign area.

4. For internally illuminated signs on a background, no more than 50% of the sign area may be composed of lighter-colored surfaces (white, off-white, grey, cream, or pale shades of other colors), as opposed to opaque, darker-colored, or back-lit surfaces.

5. Exposed neon is not allowed, except one window sign stating "open" that is not greater than 5 square feet in area and does not exceed 30% of the window area, limited to one per establishment.

E. Illumination Curfew

The illumination of signs is prohibited between the hours of 11 P.M. or the time of closing of the related business, whichever is later, and 30 minutes prior to the time of reopening.

11.3.20. Changeable Copy

A. Types of Changeable Copy

1. Manual Changeable Copy

A sign or portion of a sign that has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and is changed or re-arranged manually or mechanically with characters, letters, or illustrations that may be changed or rearranged without altering the face or the surface of the sign.

2. Digital Changeable Copy

A sign or portion of a sign that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the sign.

B. Signs Allowing Manual Changeable Copy

Manual changeable copy is allowed in conjunction with an allowed wall or monument sign provided the changeable copy portion is no greater than 50% of the sign area.

C. Signs Allowing Digital Changeable Copy

1. Digital changeable copy is allowed in conjunction with an allowed wall or monument sign.

2. Digital changeable copy is not allowed in Scenic Overlay District.

3. Any image or message or portion of the image or message must have a static display for minimum duration of 24 hours, except for the display of time or temperature, which must have a minimum duration of 8 seconds.

4. No portion of the image or message may flash, scroll, twirl, change color or in any manner imitate movement.
5. The sign must not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign’s face at maximum brightness.
Div. 11.4. Outdoor Lighting

11.4.1. Applicability and Exemptions

A. Applicability

1. New Fixtures
   
   All lighting fixtures installed after the effective date of this Land Development Code must conform to all applicable standards and requirements of this Division.

2. Existing Fixtures
   
   All lighting fixtures installed prior to the Land Development Code must be brought into conformance with all standards and requirements of this Division upon the occurrence of any of the following events:
   
   a. When the fixture is altered structurally or electrically, replaced or relocated;
   b. When a permit for new construction, special use or subdivision is issued for the subject property.

B. Exemptions

1. All Districts
   
   The following lighting fixtures and applications are exempt from the provisions of this Division.
   
   a. Lighting to the extent reasonably necessary to conduct constitutionally protected forms of expression, including in particular the following applications:
      
      i. Holiday lighting—for seasonal observances between Thanksgiving and January 15th or for other traditional celebrations not to exceed three consecutive days—that is extinguished between 11 p.m. and 8 a.m.
      
      ii. Flags of the United States governed by the American Flag Code and the State of Idaho, provided they are illuminated by one nonconforming spotlight fixture not exceeding 1,350 lumens and placed as close to the flag as reasonably possible. Otherwise, the illumination of all flags is allowed consistent with the general provisions of this Division.

   b. Occasional lighting by means of fixtures whose lamp output does not exceed 600 lumens, or does not exceed 1,350 lumens in the following applications:
      
      i. Partially shielded fixtures;
      
      ii. Floodlights aimed down at 60 degrees below horizontal and spotlights aimed down at 45 degrees below horizontal.

   c. Temporary lighting of locations for infrequent or irregular private events or gatherings, allowed only during times of active use and for a period not to exceed 3 consecutive days.

   d. Lighting of public athletic fields and sports facilities during times of active use or occupancy.

   e. Safety and contingency lighting necessary for emergencies, temporary construction, or other activities authorized by a public agency.

2. Mixed Use and Industrial Districts
   
   In a Mixed Use or Industrial District, the following lighting fixtures are also exempt from the provisions of this Division.
   
   a. Fixtures whose lamp output does not exceed 600 lumens.
   b. Partially shielded fixtures whose lamp output does not exceed 900 lumens.
c. Lamp strings and bare lamps (not prohibited by Sec. 11.4.2) that are energized only during the operating hours of an associated use or business, and in totality do not exceed 3,000 lumens per property site.

11.4.2. Prohibitions

Except for uses essential for public safety and regardless of the date of fixture installation, the following actions, applications, and fixtures are prohibited and in violation of this Division.

A. Installation or replacement of lamps exceeding the color-temperature standard of Sec. 11.4.3.A.2.

B. Fixtures with lamp outputs exceeding 50 lumens and whose light is flashing, pulsing, flickering, rotating, chasing, or rapidly changing in color or intensity.

C. Searchlights, beacons, laser-source, or other high-intensity lighting fixtures.

D. Installation, repair, or lamp replacement of any mercury-vapor lighting fixture.

E. Bare lamps (not housed within a fixture) or lamp strings—except for holiday lighting—with outputs exceeding 25 lumens per lamp.

F. Fixtures that may be confused with or construed in context as a traffic-control or public-safety device.

G. Lighting found by reason of attraction, intensity, glare, or trespass to be a significant public-safety hazard in violation of Sections 49-805 or 49-221, Idaho Code, or that otherwise rises to the level of a public nuisance.

11.4.3. Area Illumination Standards

A. Glare and Directional-Control Standards

1. Fixture Cutoff

All fixtures must be fully shielded or by other means comply with all glare, trespass, containment, and illumination provisions of this Division. Any structural part providing directional shielding or alternatively enabling regulatory compliance must be permanently attached to the lighting fixture.

2. Lamp Color-Temperature Standard

The color-temperature rating of fixture lamps cannot exceed 3200 kelvins (displayed as Light Appearance or CCT on packaging labels).

3. Pole-Mounted Fixture Height

The light-emitting surface of a pole-mounted fixture cannot exceed the following heights above grade: 20 feet in a Residential district, and 25 feet in all other districts.

B. Area Illumination Standards

Area illumination must conform to the following conditions, and not exceed the standards specified in the following table for specific districts and classes of primary application.

Table 1. For classes of outdoor-surface use or application, in footcandles, by zoning districts, referenced to initial-lumen-output rating of fixture lamps.

<table>
<thead>
<tr>
<th>Maximum Allowable Illumination Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class of Primary Use or Application</td>
</tr>
<tr>
<td>Building entries, retail sales and</td>
</tr>
<tr>
<td>merchandise display areas, under-canopy</td>
</tr>
<tr>
<td>or drive-through areas</td>
</tr>
<tr>
<td>Parking areas and parking structures</td>
</tr>
<tr>
<td>Streets and roadways</td>
</tr>
<tr>
<td>Pedestrian walkways</td>
</tr>
</tbody>
</table>
### Maximum Allowable Illumination Standards

<table>
<thead>
<tr>
<th>Class of Primary Use or Application</th>
<th>RM-1, RM-2, RX, NX</th>
<th>DX, CX, CC, CH, IL, IH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structural facades and monuments</td>
<td>6 fc vl</td>
<td>10 fc vl</td>
</tr>
<tr>
<td>Landscaping features</td>
<td>1 fc vl</td>
<td>2 fc vl</td>
</tr>
<tr>
<td>Yards, ordinary open space, excluding athletic fields</td>
<td>0.5 fc hl</td>
<td>1 fc hl</td>
</tr>
</tbody>
</table>

Abbreviations: Fc: footcandles; hl: light striking horizontal surface; vl: light striking vertical surface

1. Light reflected from any illuminated surface cannot exceed 30% of the applicable illumination standard of table above, when measured by a light meter along a parallel plane one foot above the reflecting surface. For snow-covered surfaces, the reflected proportion of area illumination is assumed to be 70%. For areas ordinarily cleared of seasonal snow, the applicable illuminated surface is the year-round base surface.

2. Compliance confirmation of illumination levels produced by installed fixtures must be measured by a light meter calibrated in footcandles with resolution no greater than 0.01 footcandle maximum, accuracy no greater than ±5%, and incorporating a standard CIE photopic spectral response weighted to the color sensitivity of the human eye. In use, the measurement position of the light meter must be proximate and parallel to the illuminated surface.

3. Maximum-illumination adjustments of no more than a 25% increase in the illumination standards of table above may be authorized by the [Administrator], but not in addition to any variance relief.

### C. Light-Trespass Standard

The intent of these trespass provisions is to contain on-site the direct light cast by outdoor fixtures, and to protect uses of neighboring properties from the adverse impacts of undesired, intrusive light.

1. Illumination containment may be achieved by means of fixture and lamp design, attached metal shielding, fixture location and mounting height, or natural and constructed barriers on the subject property; but not the use of trees, shrubs, or other transitory means.

2. Owners of adjacent properties, who prefer to benefit mutually from a common source of illumination, may be deemed exempt from this trespass provision by the Planning [Administrator] if a letter of consent is provided by the impacted property owner, and if all other provisions of this Division are met.

3. The light-trespass standard must be accomplished by satisfying either of the following options.

   a. **Shielding Option**

   The lighting fixture must be shielded or located such that the source of direct light is not visible from a vantage point 4 feet above the ground at the property boundary of the site on which the fixture is located.

   b. **Height-Distance Option**

   The fixture must be fully shielded and its mounted height cannot exceed
   
   \[ H = 3 + \frac{1}{4}D \text{ in Rural and Residential districts}; \] or
   
   \[ H = 3 + \frac{1}{3}D \text{ in all other districts} \]

   where \( H \) is the height above grade and \( D \) is the horizontal distance to the nearest property boundary.

   Equivalent expressions are
D = 4H – 12 for Rural and Residential districts, and
D = 3H – 9 for other districts.
For example, a fixture mounted 20 feet high would comply (assuming a level surface plane) if set back from the nearest property boundary at least either 68 feet or 51 feet, depending upon the zoning district.

D. Nonconforming Flood and Spotlight Fixtures:
Directional Adjustment Standards

One of the following glare and trespass-abatement actions is required of existing flood and spotlight fixtures as of the effective date of this Land Development Code.

1. Flood and spotlight fixtures that are hinged, adjustable or otherwise adaptable must be realigned, modified, or shielded so as to comply fully with all glare and trespass standards of this Division.

2. Alternatively, adaptable fixtures must be redirected, repositioned, modified, or equivalently shielded in accordance with the following angles of illumination.
   a. Vertical adjustment floodlights must be aimed down at 60 degrees below horizontal and spotlights must be aimed down at 45 degrees below horizontal.
   b. Horizontal adjustment adjacent to public roadways: Adaptable fixtures within 100 feet of a public right-of-way must also conform to either of the following glare-abatement standards:
      i. The light-trespass provisions of Sec. 11.4.3.C; or
      ii. The fixture must be aimed at a horizontal angle away from the roadway not less than 45 degrees. Where multiple roadways are impacted by a fixture’s glare, the [Administrator] will determine the appropriate horizontal angle, shielding, or other remedies warranted by public safety.

3. Alternatively, flood and spotlight fixtures without adjustment capability, or otherwise unable to meet either of the above adaption provisions, must be operated only as occasional lighting.

E. Lighting Curfew for Commercial and Industrial Uses

An operating-time limitation applies to certain outdoor-lighting applications associated with commercial and industrial uses as follows.

1. Nighttime illumination of buildings, parking lots, promotional displays, community landmarks, architectural or landscaping features are prohibited between the hours of 10 p.m., or no later than one hour after the close of business or active use, whichever is later, and 30 minutes prior to the reopening of business or active use, but does not apply to the following applications:
   a. Lighting fixtures located within 10 feet of a building facade, its entryway, or its associated products for sale or customer service; and
   b. Lighting fixtures required for property security, as embodied in a business security plan detailing demonstrable security needs and options, including effective remedies relating to surveillance, detection, and intrusion-response mechanisms, subject to approval by the [Planning & Zoning Commission].
11.4.4. Compliance

A. Compliance as a Condition of Approval

1. An assessment of the conformance status of all existing and planned exterior-lighting fixtures on a property location must be a part of any application for a building-construction permit, any submitted plan subject to design review, or any request for a change of zoning, subdivision, or special use. Accompanying the assessment must be explicit provision for bringing all present and planned lighting fixtures into full compliance with this ordinance.

2. The submission of specific descriptions, specifications, photometric data, site-installation locations, lighting plans, studies, or other information may be required, as determined by the Planning and Zoning Administrator.

3. Confirmation of full compliance is required prior to issuance or approval of any corresponding change of zoning, final-plat recordation, final inspection, or certificate of occupancy.

B. Compliance Burden

The burden of compliance rests with the fixture’s owner or the contractual designee of the fixture’s owner, even if installed on the property of the fixture owner’s lessee.
# Article 12 - Streets and Public Improvements

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12.1.1. Applicability</td>
<td>12-2</td>
</tr>
<tr>
<td>12.1.2. Phasing</td>
<td>12-2</td>
</tr>
<tr>
<td>12.1.3. Performance</td>
<td>12-2</td>
</tr>
<tr>
<td>12.1.4. Acceptance</td>
<td>12-2</td>
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<td>12.1.5. Warranty</td>
<td>12-2</td>
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<td>12.1.6. Easements</td>
<td>12-3</td>
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<tr>
<td>12.1.7. Development Name</td>
<td>12-3</td>
</tr>
<tr>
<td>12.1.8. Survey Monuments</td>
<td>12-3</td>
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<td>12.1.9. Homeowners Association</td>
<td>12-3</td>
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<td>12.1.10. Postal Delivery System</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Div. 12.2. Blocks, Lots, Access</th>
<th>12-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.2.1. Intent</td>
<td>12-4</td>
</tr>
<tr>
<td>12.2.2. Blocks</td>
<td>12-4</td>
</tr>
<tr>
<td>12.2.3. Block Measurement</td>
<td>12-4</td>
</tr>
<tr>
<td>12.2.4. Street Layout</td>
<td>12-4</td>
</tr>
<tr>
<td>12.2.5. Gated Streets</td>
<td>12-5</td>
</tr>
<tr>
<td>12.2.6. Lots</td>
<td>12-5</td>
</tr>
<tr>
<td>12.2.7. Subdivision Access</td>
<td>12-5</td>
</tr>
<tr>
<td>12.2.8. Dead End Streets</td>
<td>12-6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Div. 12.3. Existing Streets</th>
<th>12-7</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.3.1. Applicability</td>
<td>12-7</td>
</tr>
<tr>
<td>12.3.2. Sidewalk and Street Trees Required</td>
<td>12-7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Div. 12.4. New Streets</th>
<th>12-7</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.4.1. Intent</td>
<td>12-7</td>
</tr>
<tr>
<td>12.4.2. Applicability</td>
<td>12-7</td>
</tr>
<tr>
<td>12.4.3. Street Tree Planting</td>
<td>12-7</td>
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<tr>
<td>12.4.4. Private Streets</td>
<td>12-8</td>
</tr>
<tr>
<td>12.4.5. Street Names</td>
<td>12-8</td>
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<td>12.4.6. Streetlights</td>
<td>12-8</td>
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<tr>
<td>12.4.7. Street Types</td>
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<tr>
<td>12.4.8. Local Streets</td>
<td>12-9</td>
</tr>
<tr>
<td>12.4.9. Collector Streets</td>
<td>12-13</td>
</tr>
<tr>
<td>12.4.10. Minor Arterials</td>
<td>12-16</td>
</tr>
<tr>
<td>12.4.11. Accessways</td>
<td>12-18</td>
</tr>
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<table>
<thead>
<tr>
<th>Div. 12.5. Utilities</th>
<th>12-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.5.1. Access to Public Utilities</td>
<td>12-19</td>
</tr>
<tr>
<td>12.5.2. Water Supply</td>
<td>12-19</td>
</tr>
<tr>
<td>12.5.3. Wastewater</td>
<td>12-19</td>
</tr>
<tr>
<td>12.5.4. Electric and Telecommunications</td>
<td>12-19</td>
</tr>
</tbody>
</table>

12.1.1. Applicability

A. This Division applies to all development as set forth in Div. 14.5 and Div. 14.6.

B. No buildings, structures, lot or sites in whole or in part, may be erected, constructed, moved, enlarged, developed or structurally altered until all required plans, profiles and specifications have been reviewed and approved by the [Jurisdiction] or other governmental approving agency.

C. No services or utilities may be extended or furnished to any development until the applicant has installed the improvements specified in this Land Development Code or guaranteed their installation as provided for in this Division.

D. All streets and public improvements must conform with all adopted [Jurisdiction] plans.

12.1.2. Phasing

A. Streets and public improvements may be constructed in phases, provided a phasing plan is approved as part of a development agreement.

B. Each phase must stand alone, meeting all the requirements of this Land Development Code without the need for improvements in later phases.

12.1.3. Performance

A. If required streets and public improvements are not completed and accepted by the [Jurisdiction] prior to a request to record all or a part of any subdivision or issuance of a building permit for any site plan, whichever first occurs, a performance bond, escrow account or irrevocable letter of credit must be established, in lieu of completion of the work, in an amount of 125% of the estimated construction cost of the improvements that remain incomplete and with conditions satisfactory to the [Jurisdiction], providing for and securing to the [Jurisdiction] the actual construction and installation of improvements.

B. All improvements that are secured by a performance bond must be installed prior to the issuance of the first Certificate of Occupancy within the subdivision phase or prior to the issuance of the first Certificate of Occupancy for the site plan, whichever event first occurs. Except the final coat of asphalt for street improvements and the installation of sidewalks may at the option of the applicant be installed within 2 years following the issuance of the first Certificate of Occupancy provided a performance bond in the amount of 125% of these improvements are first provided to the [Jurisdiction]. Where improvements are required on a State-maintained road, a 100% construction surety is required. In this instance, proof of performance bond with the State must be supplied to the [Jurisdiction].

C. Where the [Administrator] determines that landscaping in the public right-of-way cannot be installed due to inclement weather conditions, a performance bond in the amount of 125% of the value of the landscaping must be provided to the [Jurisdiction]. The landscaping improvements must be installed within 12 months of issuance of the conditional letter of acceptance.

12.1.4. Acceptance

Streets and public improvements will not be officially accepted until they have been inspected by the [Jurisdiction], corrections are made in the field and on the approved construction drawings, a reproducible copy of the as-built drawings is provided to the [Administrator] and the warranty required in the following section is provided to the [Jurisdiction].

12.1.5. Warranty

A. All streets and public improvements must have a warranty guaranteeing the work against defects for a period of 2 years from the date of final acceptance.
B. If the improvements are constructed at different times, then the guarantee must continue until 2 years from the date of final acceptance of the improvement last completed.

C. The warranty must list the [Jurisdiction] as a beneficiary.

D. A warranty surety must be provided in an amount of 15% of the estimated value of the warranted improvements. The surety must expire 6 months after the expiration of the warranty period.

12.1.6. Easements

A. Easements must be provided in locations and dimensions required by the [Jurisdiction] in order to:
   1. Allow for adequate storm drainage facilities;
   2. Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;
   3. Allow for cross-access between properties;
   4. Allow for adequate transit facilities and access;
   5. Allow for adequate pedestrian and bicycle access;
   6. Allow for adequate right-of-way for street types;
   7. Allow for adequate public access; and
   8. Allow for adequate slope for roadway construction.

B. Easement widths will be specified by the [Jurisdiction] as necessary to accommodate existing and future needs as well as construction and repair of facilities.

12.1.7. Development Name

The proposed name of a development must not duplicate or too closely approximate, phonetically, the name of any other development.

12.1.8. Survey Monuments

Survey monuments must be installed in accordance with Idaho Code section 50-1303 at all corners, angle points, and points of curve and all street intersections.

12.1.9. Homeowners Association

In residential developments, common areas, private streets and stormwater management facilities associated with the development must be maintained by a homeowners association unless the facilities are dedicated to and accepted by the [Jurisdiction]. Documents of homeowners association creation (including articles of incorporation, by-laws, covenants and related documents) must be submitted to the [Administrator] prior to the recording of a Final Plat.

12.1.10. Postal Delivery System

One or more cluster box units (CBU), approved for use by the USPS, must be provided for residents in new residential developments with of 5 units or more. No mailboxes may be located in a sidewalk or right-of-way as to impede pedestrian or vehicular traffic.
Div. 12.2. Blocks, Lots, Access

12.2.1. Intent

A. The intent of the block perimeter and connectivity regulations is to provide a well-connected street network.

B. Large blocks with limited connectivity discourage walking, contribute to street congestion and add driving distance that can negatively impact emergency services. New streets should be designed to consider future development.

C. The access regulations are intended to provide safe and convenient vehicular and pedestrian access between adjacent developments and to lessen traffic congestion. Pedestrian, bike and vehicular access should be safe, direct and convenient.

12.2.2. Blocks

The following table establishes the maximum block perimeter by district. In the event that a single block contains more than one zoning district, the most restrictive requirement applies.

<table>
<thead>
<tr>
<th>District</th>
<th>Block Perimeter (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rural Districts</strong></td>
<td></td>
</tr>
<tr>
<td>AG-, RC-: By Average Lot Size on Block</td>
<td></td>
</tr>
<tr>
<td>40,000+ SF</td>
<td>8,000 feet</td>
</tr>
<tr>
<td>20,000 - 39,999 SF</td>
<td>6,000 feet</td>
</tr>
<tr>
<td>9,000 - 19,999 SF</td>
<td>5,000 feet</td>
</tr>
<tr>
<td><strong>Residential Districts</strong></td>
<td></td>
</tr>
<tr>
<td>RS-16</td>
<td>5,000 feet</td>
</tr>
<tr>
<td>RS-7, RS-5, RS-3, RM-1, RM-2</td>
<td>4,000 feet</td>
</tr>
<tr>
<td><strong>Mixed Use Districts</strong></td>
<td></td>
</tr>
<tr>
<td>RX, NX, DX, CC, CH</td>
<td>3,000 feet</td>
</tr>
<tr>
<td><strong>Industrial Districts</strong></td>
<td></td>
</tr>
<tr>
<td>IL, IH</td>
<td>6,000 feet</td>
</tr>
<tr>
<td><strong>Civic and Open Space Districts</strong></td>
<td>n/a</td>
</tr>
</tbody>
</table>

12.2.3. Block Measurement

A. A block is bounded by a public or private streets (not including an alley).

B. Block perimeter is measured along the edge of the property adjoining the public or street, except for the measurement of dead-end streets, which are measured from intersecting centerlines.

C. The [Administrator] may modify the block perimeter requirements when steep slopes in excess of 25%, waterways, railroads, preexisting development, conservation areas, open space or easements would make the provision of a complete block infeasible.

12.2.4. Street Layout

A. Blocks intended predominantly for single-family development must have sufficient depth to provide for 2 tiers of lots. Double frontage lots are not allowed unless permitted by the [Planning & Zoning Commission].

B. Streets must be aligned to join with planned or existing streets.
C. Street jogs with centerline offsets of less than 125 feet are not allowed.

D. All street intersections must approximate right angles but in no case at less than 70 degrees.

12.2.5. Gated Streets

Gated public streets are not allowed. Gates installed on private streets serving more than one lot must comply with the following:

A. No gate may be installed within public right-of-way;

B. Plan approval and permit must be obtained prior to installing any gates. Gates must not prohibit public access to any areas dedicated to public use;

C. Each gate must provide for queuing under Div. 11.6 and emergency vehicle access;

D. Gates must be removed if private streets are to become public; and

E. Gates may be denied by the [Administrator] based on traffic conditions and overall community-wide connectivity needs.

12.2.6. Lots

A. Lot Frontage

Every lot must abut a public or private street, or a courtyard specifically for a cottage court building type (see Div. 8.4).

B. Lot Dimensions

Lots that are occupied or are intended to be occupied must conform with the lot size, lot width and lot depth requirements provided under Articles 3 through 7.

12.2.7. Subdivision Access

A. General

1. When land is subdivided, parcels must be arranged and designed so as to allow for the opening of future streets and must provide access to those areas not presently served by streets.

2. No subdivision may be designed to completely eliminate street access to adjoining parcels of land without current street access.

3. All subdivisions must provide at least one entrance/exit to a public or private street.

4. The subdivision must provide all necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities.

B. Stub Streets

1. Stub Required

   a. Where a subdivision adjoins unsubdivided land, stub streets within the new subdivision must be installed to meet the block standards of Sec. 12.2.2.

   b. The stub street right-of-way, pavement and curbing must extent to the boundary of the abutting property to the point where the connection to the anticipated street is expected.

   c. Where a stub street is provided, a barricade using a design approved by the [Administrator] must be constructed at the end of the stub street, pending the extension of the street into abutting property. A sign noting the future street extension must be posted.

2. Connecting to an Existing Stub Street

   If a stub street exists on an abutting property, the street system of any new subdivision must connect to the stub street to form a through street.
3. Exception

The [Administrator] may eliminate the requirement for a stub street or require pedestrian only access when:

a. Steep slopes in excess of 25%, waterways, railroads, preexisting development, conservation areas, open space or easements would make the provision of a stub street infeasible; or

b. An industrial use is located adjacent to a proposed residential subdivision.

12.2.8. Dead End Streets

A. Dead-end streets must meet the following standards in all zoning districts other than Rural Districts.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Length</td>
<td>250’ max</td>
</tr>
<tr>
<td>Turnaround Radii</td>
<td>62’ min</td>
</tr>
<tr>
<td>Center Island Radii</td>
<td>44’ min</td>
</tr>
</tbody>
</table>

B. In Rural Districts, dead end streets must provide an opportunity for emergency vehicles to pass every 600 feet. Pullouts for emergency vehicles must measure at least 35 feet in length and 8 feet in width. An approved turnaround is required for emergency vehicles to be able to reverse their direction at the end of the dead-end street. Turnarounds must adhere to the current International Fire Code.

C. The maximum length is measured along the centerline of the street from the center of the intersection to the center of the turnaround.

D. The applicant must provide for perpetual maintenance of the landscaped area through a homeowners association.

E. The following alternatives may be approved at the time of subdivision approval.

1. Eyebrow

An eyebrow is a rounded expansion of a street beyond the normal curb line. An eyebrow must have a landscaped island.

2. Loop Lane

A loop lane is a two-way street, no portion of which may be more than 250 feet in length. The interior landscaped area must have an average width of at least 75 feet.
Div. 12.3. Existing Streets

12.3.1. Applicability
When a building or site is increased in gross floor area or improved site area cumulatively by more than 25%.

12.3.2. Sidewalk and Street Trees
Required

A. A building or site with frontage on an existing street that does not have sidewalks and street trees that meet the width and planting standards of Sec. 12.4, must be brought into compliance prior to the issuance of a Certificate of Compliance.

B. The appropriate sidewalk and tree planting configuration will be selected by the [Administrator] based on the variety of options presented in Sec. 12.4. Modifications to these typical cross-sections may be made by the [Administrator].

Div. 12.4. New Streets

12.4.1. Intent

A. The intent of this Division is to provide a palette of street types and design elements that reflect the character of different areas within the [Jurisdiction].

B. The regulations provide adequate accommodations for vehicles, cyclists and pedestrians.

C. The [Jurisdiction] supports the use of context sensitive design solutions and complete streets and will review projects on a case-by-case basis for conformance with these concepts.

D. The street typical cross-sections displayed in this Division provide a guide to balancing the needs of all modes of travel. Modifications to these typical cross-sections may be made by the [Administrator].

E. The appropriate typical street cross-section will be selected by the [Administrator] based on both engineering and land use factors, including anticipated vehicle volumes.

12.4.2. Applicability

A. When constructing a public or private street or reconstructing an existing street, sidewalks, bike lanes, drainage and street trees must be installed and constructed in accordance with this Division.

B. The standards for the construction of drainage improvements, sidewalks, bike facilities and streets must be in accordance with the specifications established by the [Jurisdiction].

C. Existing streets may continue serving existing development in their current configuration; however, they must not be extended or substantially rebuilt except in conformance with this Division.

D. Applicants must dedicate sufficient right-of-way to the [Jurisdiction] for streets, drainage and sidewalks. Typical street right-of-way widths are illustrated in this Division.

E. The [Administrator] may require turn lanes, and additional right-of-way beyond that shown in the applicable street typical cross-section to accommodate these lanes may be required.

12.4.3. Street Tree Planting

A. Unless otherwise noted below, all trees planted in accordance with this Division must be shade trees.

B. Where overhead utilities exist, one understory tree planted every 20 feet on center, on average, must be substituted for each required shade tree.

C. All required street trees must meet the design, installation and maintenance requirements of Sec. 11.2.6.
12.4.4. Private Streets

A. All private streets must be constructed to equal or exceed the standards for public streets and must be approved by the [Administrator].

B. Private streets are not dedicated to the public and will not be publicly maintained.

C. A Final Plat or Site Plan that contains private streets must clearly state that such streets are private streets.

D. All private streets must be treated as public street rights-of-way for purposes of determining required development and dimensional standards.

E. In residential subdivisions where private streets are proposed, the [Administrator] may require a public street for inter-parcel connection and cross-access may also be required.

12.4.5. Street Names

A. New streets must be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the [Jurisdiction].

B. Streets lying on approximately the same line must have the same name unless the intervening space between the separate parts is greater than 1,000 feet.

C. Street names must be approved by the [Administrator].

12.4.6. Streetlights

Streetlights must be installed in accordance with [Jurisdiction] adopted standards and specifications.

12.4.7. Street Types

All new or extended streets must meet the requirements of the following street types, except as modified by the [Administrator] consistent with the intent above.

A. Local Streets
   1. Sensitive Local
   2. Neighborhood Yield
   3. Neighborhood Local
   4. Heavy Local

B. Collector Streets
   1. Sensitive Collector
   2. Neighborhood Collector
   3. Urban Collector

C. Minor Arterial Streets
   1. Neighborhood Minor Arterial
   2. Urban Minor Arterial

D. Accessways
   1. Lane
   2. Alley
   3. Pedestrian Passage
   4. Multi-Use Trail
12.4.8. Local Streets

A. Sensitive Local

<table>
<thead>
<tr>
<th>Width</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Right-of-way width</td>
<td>64’ min</td>
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<tr>
<td>Pavement width</td>
<td>20’</td>
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<table>
<thead>
<tr>
<th>Streetscape</th>
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</thead>
<tbody>
<tr>
<td>Utility easement</td>
<td>3’ min</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>5’ min</td>
</tr>
<tr>
<td>Planting area</td>
<td>5’ min</td>
</tr>
<tr>
<td>Drainage</td>
<td>10’ min</td>
</tr>
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<table>
<thead>
<tr>
<th>Travelway</th>
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</thead>
<tbody>
<tr>
<td>Grossed Shoulder</td>
<td>2’</td>
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<tr>
<td>Travel lane</td>
<td>10’</td>
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<table>
<thead>
<tr>
<th>General</th>
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</thead>
<tbody>
<tr>
<td>Walkway type</td>
<td>Sidewalk</td>
</tr>
<tr>
<td>Planting type</td>
<td>Tree lawn</td>
</tr>
<tr>
<td>Tree spacing</td>
<td>50’ o.c. avg</td>
</tr>
<tr>
<td>Parking type</td>
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</tr>
</tbody>
</table>
B. Neighborhood Yield

<table>
<thead>
<tr>
<th>Width</th>
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<tbody>
<tr>
<td>Right-of-way width</td>
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</tr>
<tr>
<td>Back-of-curb to back-of-curb</td>
<td>28'</td>
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<table>
<thead>
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</thead>
<tbody>
<tr>
<td>Utility easement</td>
<td>3’ min</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>6’ min</td>
</tr>
<tr>
<td>Planting area</td>
<td>6’ min</td>
</tr>
<tr>
<td>Curb and gutter</td>
<td>2’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Travelway</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel parking/travel lane</td>
<td>12’</td>
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</table>

<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Walkway type</td>
<td>Sidewalk</td>
</tr>
<tr>
<td>Planting type</td>
<td>Tree lawn</td>
</tr>
<tr>
<td>Tree spacing</td>
<td>40’ o.c. avg</td>
</tr>
<tr>
<td>Parking type</td>
<td>Parallel: alternate sides</td>
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### C. Neighborhood Local

![Diagram of a neighborhood street scene]

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<td>36’</td>
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</tr>
<tr>
<td>Sidewalk</td>
<td>6’ min</td>
</tr>
<tr>
<td>Planting area</td>
<td>6’ min</td>
</tr>
<tr>
<td>Curb and gutter</td>
<td>2’</td>
</tr>
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<table>
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<th>Travelway</th>
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<tr>
<td>Parallel parking</td>
<td>7’</td>
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<tr>
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<td>9’</td>
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<tr>
<td>Planting type</td>
<td>Tree lawn</td>
</tr>
<tr>
<td>Tree spacing</td>
<td>40’ o.c. avg</td>
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<tr>
<td>Parking type</td>
<td>Parallel</td>
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</table>
D. Heavy Local

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<tr>
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<td>28’</td>
<td>B</td>
</tr>
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<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility easement</td>
<td>3’ min</td>
<td>C</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>6’ min</td>
<td>D</td>
</tr>
<tr>
<td>Planting area</td>
<td>6’ min</td>
<td>E</td>
</tr>
<tr>
<td>Curb and gutter</td>
<td>2’</td>
<td>F</td>
</tr>
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<table>
<thead>
<tr>
<th>Travelway</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Travel lane</td>
<td>12’</td>
<td>G</td>
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<table>
<thead>
<tr>
<th>General</th>
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<tbody>
<tr>
<td>Walkway type</td>
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<td></td>
</tr>
<tr>
<td>Planting type</td>
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<td></td>
</tr>
<tr>
<td>Tree spacing</td>
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</tr>
<tr>
<td>Parking type</td>
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</table>
12.4.9. Collector Streets

A. Sensitive Collector

<table>
<thead>
<tr>
<th>Width</th>
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</thead>
<tbody>
<tr>
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<td>77’ min</td>
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<tr>
<td>Pavement width</td>
<td>28’</td>
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<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>Utility easement</td>
<td>3’ min</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>5’ min</td>
</tr>
<tr>
<td>Multi-use path</td>
<td>10’ min</td>
</tr>
<tr>
<td>Planting area</td>
<td>5’ min</td>
</tr>
<tr>
<td>Drainage</td>
<td>10’ min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Travelway</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Grassed shoulder</td>
<td>2’</td>
</tr>
<tr>
<td>Paved shoulder</td>
<td>4’</td>
</tr>
<tr>
<td>Travel lane</td>
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<thead>
<tr>
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</thead>
<tbody>
<tr>
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<td>Sidewalk / Multi-use path</td>
</tr>
<tr>
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<td>Tree lawn</td>
</tr>
<tr>
<td>Tree spacing</td>
<td>50’ o.c. avg</td>
</tr>
<tr>
<td>Parking type</td>
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</table>
B. Neighborhood Collector

<table>
<thead>
<tr>
<th>Width</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Right-of-way width</td>
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<td>34’</td>
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<table>
<thead>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Sidewalk</td>
<td>6’ min</td>
</tr>
<tr>
<td>Planting area</td>
<td>6’ min</td>
</tr>
<tr>
<td>Curb and gutter</td>
<td>2’</td>
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<table>
<thead>
<tr>
<th>Travelway</th>
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<tbody>
<tr>
<td>Bike lane</td>
<td>5’</td>
</tr>
<tr>
<td>Travel lane</td>
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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
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<td>Sidewalk</td>
</tr>
<tr>
<td>Planting type</td>
<td>Tree lawn</td>
</tr>
<tr>
<td>Tree spacing</td>
<td>40’ o.c. avg</td>
</tr>
<tr>
<td>Parking type</td>
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### C. Urban Collector

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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<tr>
<td><strong>Width</strong></td>
<td>Right-of-way width</td>
<td>74' min</td>
</tr>
<tr>
<td></td>
<td>Back-of-curb to back-of-curb</td>
<td>50’</td>
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<tr>
<td><strong>Streetscape</strong></td>
<td>Sidewalk</td>
<td>6’ min</td>
</tr>
<tr>
<td></td>
<td>Planting area</td>
<td>6’ min</td>
</tr>
<tr>
<td></td>
<td>Curb and gutter</td>
<td>2’</td>
</tr>
<tr>
<td><strong>Travelway</strong></td>
<td>Parallel parking</td>
<td>6’</td>
</tr>
<tr>
<td></td>
<td>Bike lane</td>
<td>7’</td>
</tr>
<tr>
<td></td>
<td>Travel lane</td>
<td>10’</td>
</tr>
<tr>
<td><strong>General</strong></td>
<td>Walkway type</td>
<td>Sidewalk</td>
</tr>
<tr>
<td></td>
<td>Planting type</td>
<td>Tree grate / lawn</td>
</tr>
<tr>
<td></td>
<td>Tree spacing</td>
<td>40’ o.c. avg</td>
</tr>
<tr>
<td></td>
<td>Parking type</td>
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</table>
12.4.10. Minor Arterials

A. Neighborhood Arterial

<table>
<thead>
<tr>
<th>Width</th>
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</thead>
<tbody>
<tr>
<td>Right-of-way width</td>
<td>71’ min</td>
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<table>
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<tbody>
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<tr>
<td>Planting area</td>
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</tr>
<tr>
<td>Curb and gutter</td>
<td>2’</td>
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<table>
<thead>
<tr>
<th>Travelway</th>
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</thead>
<tbody>
<tr>
<td>Bike lane</td>
<td>5’</td>
</tr>
<tr>
<td>Travel lane</td>
<td>11’</td>
</tr>
<tr>
<td>Turn lane</td>
<td>11’</td>
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Walkway type</td>
<td>Sidewalk</td>
</tr>
<tr>
<td>Planting type</td>
<td>Tree lawn</td>
</tr>
<tr>
<td>Tree spacing</td>
<td>40’ o.c. avg</td>
</tr>
<tr>
<td>Parking type</td>
<td>None</td>
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B. Urban Arterial

<table>
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<tr>
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<tbody>
<tr>
<td>Right-of-way width</td>
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<tr>
<td>Back-of-curb to back-of-curb</td>
<td>63’</td>
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<table>
<thead>
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<th>Streetscape</th>
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<td>6’ min</td>
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<tr>
<td>Planting area</td>
<td>6’ min</td>
</tr>
<tr>
<td>Curb and gutter</td>
<td>2’</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Travelway</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Parallel parking</td>
<td>6’</td>
</tr>
<tr>
<td>Bike lane</td>
<td>7’</td>
</tr>
<tr>
<td>Travel lane</td>
<td>11’</td>
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<tr>
<td>Turn lane</td>
<td>11’</td>
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<table>
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<tr>
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<tbody>
<tr>
<td>Walkway type</td>
<td>Sidewalk</td>
</tr>
<tr>
<td>Planting type</td>
<td>Tree grate / lawn</td>
</tr>
<tr>
<td>Tree spacing</td>
<td>40’ o.c. avg</td>
</tr>
<tr>
<td>Parking type</td>
<td>Parallel</td>
</tr>
</tbody>
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### 12.4.11 Accessways

#### A. Lane

<table>
<thead>
<tr>
<th>Width</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-way width</td>
<td>20’ min</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Travelway</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel lane</td>
<td>16’ min</td>
</tr>
<tr>
<td>Travel lane, fire service route</td>
<td>20’ min</td>
</tr>
</tbody>
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#### B. Alley

<table>
<thead>
<tr>
<th>Width</th>
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</thead>
<tbody>
<tr>
<td>Right-of-way width</td>
<td>24’ min</td>
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<table>
<thead>
<tr>
<th>Travelway</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel lane</td>
<td>20’ min</td>
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</table>

#### C. Pedestrian Passage

<table>
<thead>
<tr>
<th>Width</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public access easement</td>
<td>20’ min</td>
</tr>
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<table>
<thead>
<tr>
<th>Travelway</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paved area</td>
<td>10’ min</td>
</tr>
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<table>
<thead>
<tr>
<th>General</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walkway type</td>
<td>Sidewalk/ Path</td>
</tr>
</tbody>
</table>

#### D. Multi-Use Trail

<table>
<thead>
<tr>
<th>Width</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-way width</td>
<td>20’ min</td>
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<table>
<thead>
<tr>
<th>Travelway</th>
<th>B</th>
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<tbody>
<tr>
<td>Paved area</td>
<td>10’</td>
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<tr>
<th>General</th>
<th>B</th>
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</thead>
<tbody>
<tr>
<td>Walkway type</td>
<td>Sidewalk/ Path</td>
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</tbody>
</table>
Div. 12.5. Utilities

12.5.1. Access to Public Utilities
All developments with the [Jurisdiction] limits must be connected to public utilities, and the costs of connection, including any necessary extension of mains, expansion of capacity, is the responsibility of the developer.

12.5.2. Water Supply
A. When a development is located within the [Jurisdiction] limits, the developer must connect to the public water system and install all water lines required to provide water supply to every lot within the development.

B. Any lot not connected to the public water system meet all state requirements for the use of individual water wells. Individual wells require the approval of the State Department of Water Resources.

12.5.3. Wastewater
A. When a development is located within the [Jurisdiction] limits, the developer must connect to the public sewer system and install all sewer lines required to provide sewer service to every lot within the development.

B. Any lot not connected to the public sewer system must meet all state requirements for the use of individual septic tanks or community sewer systems. Individual septic systems require the approval of the [Jurisdiction] Public Health Department.

12.5.4. Electric and Telecommunications
A. Within the development, all new utilities installed to serve the development must be placed underground.

B. Utilities must be underground from the point they enter the development.

C. Ground mounted transformers must not be located in the public right-of-way.

D. Fire Protection
1. Adequate fire protection must be in accordance with the [Jurisdiction] Fire Protection District.

2. The location and specifications of fire hydrants required to serve the development must be approved by the [Jurisdiction].
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Div. 13.1. Flood Hazard Reduction

13.1.1. Special Flood Hazard Areas Designated

Special flood hazard areas have been designated by the federal government on the official Flood Insurance Rate Maps (FIRM).

13.1.2. Standards in All Special Flood Hazard Areas

A. In General

No new development may create a threat to public health, public safety, or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the Regulatory Floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use. This prohibition does not apply to the continued operations of existing facilities and structures, reuse of existing facilities and structures, or functionally dependent facilities or structures.

B. Site Disturbance

1. Grading/Road Construction/Structure

a. In addition to the application, the following are needed: Grading Plan.

b. If a lot has a buildable site out of the special flood hazard area, all new structures must be located in that area. If it is not possible to place the structure outside of the special flood hazard area, a variance is required.

c. If a lot does not have a buildable site out of the regulatory floodplain and a variance is granted, all new structures, pavement, and other development must be sited in the location that has the least impact on floodplain function by locating the structures as far from the water body as possible or placing the structures on the highest land on the lot.

d. Removal of greater than 35% of woody vegetative cover must not decrease the stability of the stream banks. A professional engineer, certified floodplain manager or fluvial morphologist must demonstrate that the vegetation removal will not destabilize stream banks or increase erosion potential on the floodplain.

e. Determination and documentation that the filling or grading will not obstruct flood flows and will not cause an increase in flood heights upstream or adjacent to the project site;

f. Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;

g. The grading plan must demonstrate compensatory storage with equivalent volume at equivalent elevations to that being displaced. For this purpose, “equivalent elevation” means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;

h. Compensatory storage must be hydraulically connected to the source of flooding;

i. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins; and
j. The newly created storage area must be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

2. Watercourse Alteration

a. In addition to the application, the following are needed: Grading Plan.

b. A water course is considered altered when any change occurs within its banks.

c. The altered or relocated watercourse must have a morphology that conveys the bankfull discharge. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the proposed channel morphology will convey the bankfull discharge.

d. Adjacent communities, the U.S. Army Corps of Engineers and the Idaho Department of Water Resources Stream Channel Alteration program must be notified prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency.

e. The applicant is responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

f. The applicant must meet the requirements to submit technical data in Sections K(1) and K(2) when an alteration of a water course results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

g. Bioengineering or restoration projects may be authorized based upon reduced submittal requirements, at the discretion of the Floodplain Administrator.

h. Preserve and maintain natural floodplains, stream channels, and natural protective barriers which carry and store flood waters;

i. Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels.

j. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, “equivalent elevation” means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;

k. Be hydraulically connected to the source of flooding;

l. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins; and

m. The newly created storage area must be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

3. Residential Structures

a. In addition to the application the following are needed: Grading Plan, Construction Plans.

b. If a lot has a buildable site out of the special flood hazard area, all new structures must be located in that area. If it is not possible
to place the structure outside of the special flood hazard area a variance is required.

c. If a lot does not have a buildable site out of the Regulatory Floodplain and a variance is granted, all new structures, pavement, and other development must be sited in the location that has the least impact on floodplain function by locating the structures as far from the water body as possible or placing the structures on the highest land on the lot.

d. New construction and substantial improvements of an existing structure, including a structure that has been substantially damaged, must be anchored to prevent flotation, collapse or lateral movement of the structure.

e. New construction and substantial improvements of an existing structure, including a structure that has been substantially damaged, must be constructed with materials and utility equipment resistant to flood damage.

f. New construction or substantial improvements of an existing structure, including a structure that has been substantially damaged, must be constructed by methods and practices that minimize flood damage.

g. To comply with the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure must only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.

h. All residential structures must be elevated to at least 2 feet above the Base Flood Elevation.

i. All new construction or substantial improvements of an existing structure, including a structure that has been substantially damaged, that includes a fully enclosed area located below the lowest floor formed by the foundation and other exterior walls must be designed to be an unfinished or flood resistant enclosure. The enclosure must be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the following minimum criteria:

i. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings must be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

j. The interior portion of such enclosed area must not be partitioned or finished into separate rooms.

k. For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspce Construction
for Structures Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:

i. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;

ii. Interior grade of the crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG);

iii. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;

iv. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

l. All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other facilities must be designed and/or elevated to prevent water from entering or accumulating within the components during flooding.

m. New and replacement water supply systems must be designed to minimize or to eliminate infiltration of flood waters into the system.

n. New and replacement sanitary sewage systems must be designed to minimize or to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

o. On-site waste disposal systems must be located outside of the floodway and constructed to avoid functional impairment, or contamination from them, during flooding.

p. Any alteration, repair, reconstruction or improvement to a structure that is not compliant with the provisions of this ordinance, will be undertaken only if the nonconformity is minimal in order to meet health and safety standards.

4. Manufactured Homes

a. In addition to the application the following are needed: Grading Plan (if there will be any site disturbance), Construction Plans,

b. If a lot has a buildable site out of the special flood hazard area, all new structures must be located in that area. If it is not possible to place the structure outside of the special flood hazard area a variance is required.

c. If a lot does not have a buildable site out of the Regulatory Floodplain and a variance is granted, all new structures, pavement, and other development must be sited in the location that has the least impact on floodplain function by locating the structures as far from the water body as possible or placing the structures on the highest land on the lot.

d. Manufactured homes placed (or substantially improved) on individual lots or parcels, in new or substantially improved manufactured home parks or subdivisions must be elevated so that either:

i. The lowest floor of the manufactured home is elevated to two feet above the base flood elevation, or

ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches above the highest adjacent grade.
5. Non-Residential and Accessory Structures

a. In addition to the application the following are needed: Grading Plan (if there will be any site disturbance), Construction Plans (Including type of material, anchoring plan).

b. If a lot has a buildable site out of the special flood hazard area, all new structures must be located in that area. If it is not possible to place the structure outside of the special flood hazard area a variance is required.

c. If a lot does not have a buildable site out of the Regulatory Floodplain and a variance is granted, all new structures, pavement, and other development must be sited in the location that has the least impact on floodplain function by locating the structures as far from the water body as possible or placing the structures on the highest land on the lot.

d. Structures under 200 square feet must:
   i. Not be used for human habitation;
   ii. Be constructed of flood resistant materials;
   iii. Be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
   iv. Be firmly anchored to prevent flotation;
   v. Elevated or flood-proof services such as electrical and heating equipment at least to two feet above the Base Flood Elevation (BFE);
   vi. It must meet the opening requirements of Sec. 13.1.2.B.3.i.

e. Structures over 200 square feet-
   i. Dry Floodproofing

6. Recreational Vehicles

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or

c. The recreational vehicle must meet all the requirements for a residential structure, including the anchoring and elevation requirements.

C. Subdivisions

1. In addition to the application the following are needed: Grading Plan (if there will be any site disturbance),

2. If a lot has a buildable site out of the special flood hazard area, all new structures must be located in that area. If it is not possible to place the structure outside of the special flood hazard area a variance is required.

3. All subdivision proposals must be consistent with the need to minimize flood damage.
4. All subdivision preliminary plats/development plans must include the mapped flood hazard zones from the effective FIRM.

5. Base flood elevation data must be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.

6. All subdivisions must have at least one access road connected to land outside the Regulatory Floodplain with the surface of the road at or above the FPE whenever possible.

7. All building envelopes must be located a distance of at least twice the regular bankfull channel width of the stream or river channel from the ordinary high water mark (or bankfull location), or out of the special flood hazard area boundary.

8. All subdivisions must have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.

9. All subdivisions must have adequate drainage provided to reduce exposure to flood hazards.

10. The final recorded subdivision plat must include a notice that part of the property is in the special flood hazard area, as appropriate.

D. Critical Facilities

1. In addition to the application the following are needed: Grading Plan, Construction Plans,

2. Construction of new critical facilities must be, to the extent possible, located outside the limits of the Regulatory Floodplain. If a lot has a buildable site out of the special flood hazard area, all critical facilities must be located in that area. If it is not possible to place the structure outside of the special flood hazard area a variance is required.

3. If a lot does not have a buildable site out of the Regulatory Floodplain and a variance is granted the follow standards apply:

   a. Critical facilities must have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants must develop the needed data in accordance with FEMA mapping guidelines.

   b. Access to and from the critical facility must be protected to the elevation of the 500-year flood.

13.1.3. Floodway Standards

The following provisions apply to development in a floodway:

A. In addition to the application the following are needed: Grading Plan, Construction Plans,

B. No structures will be constructed or significantly improved in the floodway.

C. Any Floodway encroachment must obtain a Conditional Letter of Map Revision from FEMA before the development can be reviewed, approved and permitted.

D. A project in the regulatory floodway must undergo an encroachment review to determine its effect on flood flows. An encroachment analysis must include:

E. Determination and documentation that the filling, grading or construction of a structure will not obstruct flood flows and will not cause an increase in flood heights upstream or adjacent to the project site;
F. Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;

G. Certification and documentation by a licensed professional engineer that the project will not result in a rise in flood heights;

H. The Administrator may make the encroachment determination for minor projects, such as projects that do not increase the natural grade (e.g., paving a driveway or parking lot at existing grade, bank stabilization or revegetative measures, open fences and small isolated obstructions such as a mailbox or telephone pole).

13.1.4. Standards for Zones with Base Flood Elevations

In special flood hazard areas designated AE or A (with estimated Base Flood Elevation), the following provisions are required.

A. New residential construction and substantial improvements - Where base flood elevation data are available, new construction or substantial improvement of any residential structure or manufactured home must have the lowest floor, including basement, constructed at least 2 feet above the Base Flood Elevation (BFE). If solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters must be provided in accordance with the construction standards in Article V(B)(4).

B. Non-Residential Construction - New construction or the substantial improvement of any non-residential structure located in special flood hazard zones must be flood-proofed if the new construction or improvement is not elevated. The structure and attendant utility and sanitary facilities, must be designed to be water tight to two feet above the Base Flood Elevation (BFE), with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and must provide certification to the Administrator.

C. Where the floodway has not been determined, no new construction, substantial improvements, or other development (including fill) will be permitted in Zones A and AE on the effective FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the County. Applicants of proposed projects that increase the base flood elevation more than one foot are required to obtain and submit to the Floodplain Administrator, a FEMA-Approved Conditional Letter of Map Revision (CLOMR) preconstruction.

D. Post construction, the applicant must apply to FEMA for a Letter of Map Revision for changes to the flood hazard map proposed in the CLOMR.

13.1.5. Standards for Zones Without Base Flood Elevations or Floodway (A Zones)

These standards apply in special flood hazard areas where streams exist but no base flood elevation data have been provided (A Zones), or where base flood data have been provided but a floodway has not been delineated.

A. When base flood elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and /or Flood Insurance Rate Maps, then the Floodplain Administrator will require, review, and reasonably utilize scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this
ordinance. If data are not available from any source, only then provisions 2 and 3 apply.

B. Where the floodplain administrator has obtained base flood elevation data, applicants of proposed projects that increase the base flood elevation more than one foot must obtain a Conditional Letter of Map Revision preconstruction and a Letter of Map Revision post construction.

C. No encroachments, including structures or fill, must be located within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless certification by a licensed professional engineer documents that the encroachment will not result in any increase in flood levels during the base flood Documentation.

D. Bioengineering or restoration projects may be authorized based upon reduced submittal requirements, at the discretion of the Floodplain Administrator.

E. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures must have the lowest floor of the lowest enclosed area (including basement or crawlspace) elevated no less than 3 feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movement of flood waters must be provided in accordance with the construction standards in Articles V (B) and (C).

13.1.6. Requirement to Submit New Technical Data

A. For all development proposals that impact floodway delineations or base flood elevations, the County must ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area in accordance with V (A)(3);

3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;

4. Subdivision or large-scale development proposals requiring establishment of base flood elevations according to Article V (A)(3).

B. It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. Submittal and processing fees for these map revisions are the responsibility of the applicant.
Div. 13.2. Riparian Buffers

13.2.1. Intent

The intent of this Division is to create, protect and maintain riparian buffers throughout Teton County in order to maintain or enhance their water quality protection function. Buffers adjacent to rivers, streams, wetlands, lakes, ponds and canals provide multiple environmental protection and resource management benefits. Vegetated buffers enhance and protect the natural ecology of riparian systems, as well as water quality through bank stabilization, shading, and nutrient removal. Vegetated buffers help minimize flood damage in floodprone areas. Well-vegetated riparian areas help to remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorous from reaching water bodies.

13.2.2. Applicability

A. This Division does not apply to uses and activities existing and ongoing as of the effective date of this code.

1. Only the portion of the riparian buffer occupied by the footprint of the existing use or activity is exempt.

2. Change of ownership through purchase or inheritance is not a change of use.

3. Activities necessary to maintain uses are allowed, provided that the site remains similarly vegetated, no impervious surface is added where it did not previously exist as of the effective date of this code, and existing diffuse flow is maintained.

B. This Division applies at the time an existing and ongoing use or activity is changed. A change of use or activity involves the initiation of any project or proposed development that does not meet at least one of the following:

1. The project or proposed development requires a State 401 Certification and Federal 404 Permit and the certification and permit were issued prior to the effective date this code;

2. The project or proposed development is being reviewed through the Federal 404 process; or

3. The project or proposed development is not required to be reviewed Federal 404 process because a US Army Corps of Engineers finding of no significant impact has been issued for the project.

4. Waterbodies subject to this Division are subject to field verification by the Administrator. Where it is believed a map has inaccurately depicted a waterbody, the Administrator will make an on-site determination upon written request by the property owner. Waterbodies that appear on maps are not subject to these buffer requirements when an on-site determination reveals the absence on the ground of a corresponding waterbody.
13.2.3. Riparian Buffer Area

A protected riparian buffer extends as described below.

<table>
<thead>
<tr>
<th>Resource</th>
<th>A Width</th>
<th>B Measured From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teton River</td>
<td>150'</td>
<td>Ordinary High Water Mark</td>
</tr>
<tr>
<td>Navigable stream</td>
<td>100'</td>
<td></td>
</tr>
<tr>
<td>Irrigation canal</td>
<td>30'</td>
<td></td>
</tr>
<tr>
<td>Floodplain</td>
<td>50'</td>
<td>Special Flood Hazard Area</td>
</tr>
<tr>
<td>Wetland</td>
<td>100'</td>
<td>U.S. Fish &amp; Wildlife National Wetland Inventory</td>
</tr>
<tr>
<td>Lake, pond</td>
<td>50'</td>
<td>Ordinary High Water Mark</td>
</tr>
</tbody>
</table>
13.2.4. Riparian Buffer Standards

A. Vegetation Required

A riparian buffer must consist of stable, undisturbed native vegetation.

B. Diffuse Flow Requirements

1. Diffuse flow of runoff must be maintained in the riparian buffer by:
   a. Dispersing concentrated flow prior to its entry into the buffer; and
   b. Reestablishing vegetation.

2. Concentrated runoff from new ditches or man-made conveyances must be converted to diffuse flow at non-erosive velocities before the runoff enters the riparian buffer.

3. Periodic corrective action to restore diffuse flow must be taken as necessary, and must be designed to impede the formation of erosion gullies in the riparian buffer.

C. Allowed Activity

The following activity is allowed in a riparian buffer:

1. Pedestrian access trails, docks, piers, boat ramps and other water-dependent activities; provided they do not exceed 4 feet in width of buffer disturbance, that installation does not result in removal of trees, and no impervious surface is added to the riparian buffer.

2. Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers; provided that flows to existing or new drainage ditches, roadside ditches, and stormwater conveyances do not alter the conveyance and are managed to minimize the sediment, nutrients and other pollution conveyed to waterbodies.

3. Single driveway crossings that disturb less than 20 linear feet and 2,500 square feet of riparian buffer.

4. Subdivision driveway crossings that cumulatively disturb less than 150 linear feet and 15,000 square feet of riparian buffer.

5. Greenways and hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical.

6. Revegetation; provided that diffuse flow and the health of existing vegetation is not compromised and disturbed areas are stabilized until they are revegetated.

7. Wood slatted decks (or similar alternative material); provided that no trees are removed for installation.

8. Wet detention, bioretention and constructed wetlands.

9. Utility crossings; provided that they occur within 15 degrees of perpendicular to the riparian buffer.

10. Vegetation management, including emergency fire control measures; provided that topography is restored.

11. Mowing or harvesting of plant products.

12. Water wells.

D. Prohibited Activity

The following activity is prohibited in a riparian buffer:

1. Fences.

2. Fertilizer and pesticide application, except as needed for approved restoration or revegetation.

3. Any grading that generates a negative impact on diffuse flow within the riparian buffer.


5. Septic tank drain fields.

E. Construction in a Riparian Buffer

1. The following best practices must be employed during any allowed construction in a riparian buffer:
   
   a. Woody vegetation must be cleared by hand. Vegetative root systems must be left intact to maintain the integrity of the soil. Stumps must remain, except in any trench where trees are cut.

   b. Underground cables must be installed by vibratory plow or trenching.

   c. Any trench must be backfilled with the excavated soil material immediately following installation.

   d. No fertilizer may be used other than a one-time application to re-establish vegetation.

   e. In wetlands, mats must be utilized to minimize soil disturbance.

2. Measures must be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
Div. 13.3. Skyline View Protection

13.3.1. Design Standards

A. Skyline means the visual line at which the earth or vegetation and the sky appear to meet. It is typically viewed as the top, crest, or peak of a ridge, hillside or butte.

B. Physical development must not penetrate the skyline as viewed from any State Highway.

C. Buildings must be set back 50 feet from top of slope or ridgeline.

13.3.2. Mitigation of Exceptions

Where no other siting alternative is available and a variance to these standards is granted by the [Planning & Zoning Commission], physical development that penetrates the skyline must comply with the following mitigation standards:

A. The height of physical development cannot exceed 20 feet above original grade.

B. The mass of the physical development must be designed by breaking facades and roof lines into smaller segments or stepping the building mass into the hillside. To the maximum extent practical, buildings must be placed down the hill or cut into the slope to minimize the skyline penetration.

C. The form of the physical development, particularly its roof form, must re-create the natural form of the hillside or butte. If the natural form of a butte top skyline is being penetrated, the building must have a flat roof form. If the natural form of a hillside is rounded or jagged, the building must use a pitched roof form.

D. The exterior of any structure must be built or painted with earth tone materials or colors. The color of all roofs must be the color of surrounding vegetation or land features.

E. Development must minimize the need for earth moving or disturbance to the maximum extent practicable. Areas disturbed for earth moving must be revegetated using native species which are already growing on or near the site. Topsoil must be stock piled and placed on disturbed areas.
Div. 13.4. Hillsides, Steep Slopes

13.4.1. Design Standards

A. Steep Slopes

No development is permitted on slopes that exceed 25%.

B. Hillside Design Criteria

1. Buildings must be designed to fit the lot, rather than substantially modifying the grade of the lot to fit the building.

2. Buildings, driveways and yards must be designed and configured to maintain as much of the natural landform as possible.

3. Where areas of the lot are already disturbed, the existing, disturbed areas must be used for building envelopes rather than undisturbed areas, provided that such areas are of an adequate area and shape and do not pose a geological hazard or other safety issues.

4. Structures must be designed to blend into the natural character of the hillside by reducing the visual bulk through landscaping, terraced building forms, appropriate building materials and colors, and height variations. Split-pad and stepped foundations must be used where necessary to minimize cut and fill, and to create forms that step down or step up with the natural slope.

5. A series of smaller, visually distinct roofs, specifically pitched, gabled and hipped roofs, must be utilized on any residential building with a floor plate that is larger than 2,500 square feet, in order to reflect the visual diversity of the natural hillsides.

6. Foundation corners must match the natural grade, to the maximum extent practicable.

7. For developments with multiple buildings, buildings must have height variations in order to minimize a “wall” effect or a repetitive appearance. Wherever possible, the buildings must be positioned so that they appear to be “tucked” into the hillside and not easily visible from below.

C. Retaining Walls

1. Generally, retaining walls should be avoided. Retaining walls may be used to minimize the impact of cut and fill on steep slopes on a site. Retaining walls are not acceptable when their purpose is to create flat yards.

2. Retaining walls must blend with the natural features of the setting. Use of native rock or use of other masonry must convey a scale and texture similar to that of traditional rock or traditional materials found within the natural setting.

3. The height of a retaining wall must be less than 8 feet. Where greater heights in a retaining wall must occur, use a series of terraced or stepped walls. The width of a retaining terrace cannot be less than 5 feet.

D. Modification of Setbacks

Flexibility in required setbacks may be considered in order to avoid altering steep slope areas. The [Administrator] may allow the application of alternative setbacks in order to avoid or minimize alterations to steep slope areas.
Div. 13.5. Grading

13.5.1. Design Standards

A. Grading is limited to that which is necessary to construct the structure, driveway, and a limited area for yard purposes.

B. No site alterations may exceed a 1-foot elevation change within 10 feet of any property line.

C. A grading permit is required prior to the commencement of grading activities.

D. The grading of slopes must be minimized by aligning streets to conform to existing grades as closely as is possible, and consistent with safe geometric design.

E. Streets must be designed to:
   1. Minimize the alteration of the physical and visual character of the hillside (e.g., large notches in ridgelines must be avoided); and
   2. Retain natural landforms by using gentle horizontal and vertical curves in alignments.

F. Lands disturbed by earth moving must be revegetated using native species already growing on or near the site. Top soil must be stockpiled and placed on disturbed areas.

Div. 13.6. Vegetative Management

13.6.1. Design Standards

A. Land owners and developers are required to control invasive and noxious weeds (see the Idaho Noxious Weed List) on their site. Where noxious or invasive weeds exist on the site, the developer must remove them prior to beginning construction, and revegetate the area with native species within 30 days.

B. Where an infestation affects more than 1 acre of land and immediate control is not feasible, a long-term management plan must be developed with and approved by the local weed district.

C. Development must avoid disturbance of natural vegetation to the maximum extent possible. Where disturbance must occur, the developer must revegetate the area with native species within 30 days.

Div. 13.7. Wildfire Hazard Mitigation

13.7.1. Design Standards

The following design standards apply to parcels proposed for development within the Wildland-Urban Interface. The [Jurisdiction] may approve alternative standards if it is demonstrated that they are consistent with current State or Federal guidance on wildfire hazard mitigation for development within the Wildland-Urban Interface.

A. Defensible Space

Development sites must be designed to provide 3 zones of defensible space, as described below:

1. ZONE 1: Within 30 Feet of Structure
   a. Remove all flammable vegetation within 3 to 5 feet of the structure.
   b. Remove any tree branches hanging over structures that will drop needles or other debris onto roofs, gutters, or decks.
   c. Do not plant vegetation underneath eaves or roof lines.
   d. Move firewood piles further than 30 feet from the structure during wildfire season.
   e. Plant fire resistant vegetation and maintain during fire season.

2. ZONE 2: 30 to 100 Feet
   a. Remove all ladder fuels.
b. Provide a minimum crown spacing between trees of 10 feet between crowns on a flat property, greater distance on a slope.

c. Prune trees to a height approximately 8 to 10 feet above the ground.

d. Provide a minimum shrub spacing of \(2\frac{1}{2}\) times the height of the shrub between shrubs.

e. Prune shrubs to remove contact with ground fuels.

f. Keep grasses mowed.

g. Remove all dead material.

3. ZONE 3: 100-200 Feet

a. Thinning to remove suppressed and overstocked trees while promoting and maintaining healthy vigorous trees.

b. Limit vegetation combinations that contain ladder fuels to isolated clumps.

c. Reduce shrub densities to promote healthy growth and reduce density and continuity through the zone.

d. Snags (dead standing trees) should only remain if they do not pose a safety hazard.

D. Fuelbreaks and Greenbelts

1. Fuelbreaks and greenbelts must be located to protect both existing and planned development and adjacent wildlands.

2. Fuelbreaks must not be a bare soil trail bulldozed around a subdivision. They may be as simple as the removal of dead and fallen trees, tree limbs, shrubs, and other flammable vegetation, together with breaking the continuity of vegetation around the perimeter of the development.

3. Natural features such as rocky formations with little or no vegetation, or rivers or streambeds in which vegetation has been thinned and dead and dying materials removed may also be used.

E. Access

Access to the parcel proposed for development must be designed to provide for the safe movement of firefighters and their equipment.

F. Building Design and Materials

Buildings in the Wildland-Urban Interface must incorporate fire-resistant design techniques and use fire-resistant building materials.

B. Chimneys

Buildings and building sites must be located outside of ravines or other topographical features which constitute "fire chimneys," and within 150 feet of the apex of "fire chimneys."

C. Improvements Prior to Construction

Water sources, wells, draft sites, hydrants, fire breaks, access routes, and other fire protection equipment or features required by a preliminary plat approval must be installed prior to construction of any buildings in a new subdivision.
Div. 13.8. Fencing

13.8.1. Intent
The fencing of land is discouraged in areas with important wildlife habitat, and should be limited to the smallest area necessary to achieve the desired purpose.

13.8.2. Design Standards

A. Location of Fencing
   No rigid fencing is allowed in any riparian or wildlife corridor.

B. Fencing Height
   Fencing for purposes other than livestock control must be no higher than 38 inches above the ground. Fencing for livestock control must be no higher than 42 inches above the ground. For both of the above fence types, spacing between the top two wires or top pole/rail and adjacent wire must be at least 12 inches.

C. Materials and Design
   Fencing materials and design must comply with the following standards:
   1. Wood (or similar material) top poles, and either wood rails or wire strands are permitted as horizontal elements in fencing.
   2. Wire strands must be smooth or twisted wire. Barbed wires may be used in the middle strands, not including the top and bottom strands, when necessary to control livestock.
   3. Fencing design must include a top level of wood (or similar material) rail rather than wire.
   4. The bottom rail or wire strand must be at least 16 inches above the ground.
   5. The spacing of fence posts must be on 12-foot centers maximum, unless topography prohibits this spacing.

D. Special Purpose Fencing
   Notwithstanding the provisions of this Division, the [Administrator] may exempt special purpose fencing such as dog kennels, pool enclosures, outdoor storage and similar small area fences, from this a Division, provided the fencing meets the below standards.
   1. The fencing encloses the smallest area necessary to achieve the purpose.
   2. The fencing is constructed for a particular use and requires a specific design to accomplish the purpose of the fence.
   3. The fencing does not create dead ends where wildlife may be trapped.

6. Buck and rail fencing should be avoided. When buck and rail fencing is necessary due to rocky soil, a portion of the fence must be laid down or constructed to a lower height (not to exceed 38 inches) every 1,500 feet to allow wildlife movement.
Div. 13.9. Wildlife Feeding

13.9.1. Design Standards

A. Supplemental Feed Attractants Banned

No person may knowingly or intentionally provide supplemental feed attractants (such as human food, pet food, hay, forage product or supplement, grain, seed or birdseed, or garbage) to the following animals, unless specifically authorized by a state or federal agency:

1. Antelope
2. Bighorn sheep
3. Coyotes
4. Deer
5. Elk
6. Foxes
7. Moose
8. Mountain goats
9. Bobcats
10. Black bears
11. Grizzly bears
12. Mountain lions
13. Lynx
14. Raccoons
15. Wild bison
16. Wolves

B. Exemptions

1. Land taxed as agricultural land creates a presumption that any feeding is exempt from this Division.

2. A person engaged in any of the following activities is not subject to liabilities under this Division:

   a. The normal feeding of livestock or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices; or

   b. The cultivation of a lawn or garden, or the feeding of birds where the bird food is made unavailable to the animals specified in the prohibition of this regulation.

C. Garbage

1. All uses are required to store trash in certified bear-resistant containers or dumpsters. If trash is transferred from the property to a trash transfer station or landfill directly by the property owner or property lessee, trash may be stored in other containers as long as those containers are housed in a bear-resistant building or enclosure at all times while on the property.

2. A certified bear-resistant container or dumpster is one that meets the minimum structural design standards published by the Interagency Grizzly Bear Committee (IGBC) or has successfully passed the testing program and protocols recited in the Bear-Resistant Products Testing Program.

Div. 13.10. Wildlife Habitat Protection

A wildlife habitat assessment in a form acceptable to the [Jurisdiction] is required for any indicator species of wildlife designated on the wildlife habitat overlay map. All development within the wildlife habitat overlay is subject to design review to ensure that the location of buildings
and structures avoids or mitigates impacts to mapped indicator species and habitat to the maximum extent feasible.

13.10.1. Design Review Criteria

A development application may only be recommended for approval where the following specific guidelines are met:

A. Building Envelopes

Building envelopes must be located:

1. To minimize fragmentation of any functional, intact areas of native vegetation and indicator habitat;

2. To avoid rare landscape elements such as unique rock formations, sheltered draws or drainage ways, or other features, and locate buildings near areas containing more common landscape elements;

3. To maintain connections among fish and wildlife habitats and to protect sensitive fish and wildlife breeding areas;

4. To provide adequate buffers between any building envelope for a habitable building and;
   a. Any wildlife migration corridors identified through the wildlife habitat assessment and;
   b. Any fish or wildlife breeding areas or big game wintering habitat identified through the wildlife habitat assessment.
   c. The buffer distance and configuration must be determined by a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines and must be designed to minimize the effect of planned development and infrastructure (including roads, pathways, and trails) on use of the habitat or migration corridor by the indicator species.

B. Fencing

Fencing and other infrastructure must be designed to minimize impacts on indicator species and indicator habitat. Where the wildlife habitat assessment has found evidence of indicator species or the presence of indicator habitat, and the person conducting the assessment believes that inappropriate fencing could interfere with the use of the area as habitat by one or more of the indicator species included in the assessment, the person must recommend a fencing design and specifications that would minimize interference with the movement or safety of the indicator species. Fencing must be required to comply with those recommendations to the maximum extent feasible. The proposed design and specifications must take into account the current and foreseeable uses of adjacent lands and the potential need for adjacent lands to be protected from the impacts of wildlife on the subject property.

C. Avoiding Vegetation Impacts

Impacts to indicator species and indicator habitat must be avoided to the maximum extent feasible. The applicant must mitigate unavoidable impacts appropriately and adequately. In areas where the wildlife habitat assessment has found evidence of indicator species or the presence of indicator habitat, the development must avoid disturbing existing native vegetation used by or needed to support the indicator species to the maximum extent feasible. When existing native vegetation must be altered to accommodate the proposed subdivision, the applicant must replace lost habitat function with an equal or greater amount of like-functioning, native vegetation according to the recommendations of a qualified professional and ensure successful establishment of that vegetation through monitoring and adaptive management.
13.10.2. Wildlife Habitat Assessment

Where a proposed development includes any lands shown on the Wildlife Habitat Overlay map, the applicant must arrange for a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish or wildlife management, or similar discipline, to complete a Wildlife Habitat Assessment. The wildlife habitat assessment must describe, evaluate, and quantify (as appropriate) habitat for the indicator species.

A. Impact Analysis and Mitigation Plan

An Impact Analysis and Mitigation Plan must:

1. Identify and analyze the type, duration, and intensity of direct and indirect impacts to indicator species and indicator habitat reasonably expected to result from the proposed subdivision (inclusive of infrastructure layout, proposed recreational uses, anticipated human presence, anticipated land uses, proposed wildland fire protection measures, etc.);

2. Address how applicant intends to avoid, or minimize and mitigate any impacts to indicator species and indicator habitat. Avoidance of impacts is preferred to minimization of impacts with mitigation;

3. Provide a list of proposed mitigation measures, that may include habitat preservation, restoration, enhancement, and creation and an analysis of the probability of success of such measures. If the impact mitigation plan requires significant construction or restoration activities, the [Jurisdiction] will require that the applicant provide a financial security in the form of a letter of credit for 125% of the estimated cost of those activities, with the letter of credit to be released when the construction or restoration has been completed as described in the impact assessment and mitigation plan.

B. Land Management Plan

The Land Management Plan must:

1. Describe how open areas will be managed, monitored, and maintained to preserve, restore, or enhance their value as wildlife habitat;

2. Clearly identify responsibilities for managing, monitoring, and maintaining common lands and open areas;

3. Clarify how noxious weed eradication and control will be conducted to avoid harm to natural resources;

4. Identify how competing uses of the open areas will be managed to avoid adverse impacts to wildlife and habitat;

5. Clarify how household pets will be managed to avoid adverse impacts on wildlife and habitat;

6. Demonstrate the administrative and technical competence of the applicant or the implementing entity to successfully execute the plan;

7. Identify a confirmed source of funding adequate to cover the expenses of management, monitoring, and maintenance as described in the plan; and

8. Describe management strategies that will be utilized to minimize interaction and co-mingling between livestock and big game animals and to minimize the risk of disease transmission between livestock and big game animals, if the Wildlife Habitat Assessment identified big game habitat or indicator species.
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**KEY:**
- **R** = Review, Recommendation
- **D** = Decision
- **A** = Appeal
- **PH** = Public Hearing
- **PM** = Public Meeting
- **Y** = Required
- **N** = Not Required
- *** = Web notice may be provided, but is not required**

14.2.1. State Statutes

A. This Article is intended to comply with the provisions of:

1. Idaho Constitution Article XII, Section 2, Local Police Regulations Authorized;
2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning; and
3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13, Plats and Vacations.

B. Where any provision of this Article is in conflict with any provision of State law, the State law controls.

C. Where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of State law, full compliance with the provision of State law is required.

14.2.2. Review Authority

A. [Governing Body]

The [Governing Body] has those powers and duties expressly identified in Idaho Statutes and elsewhere in the [Municipal Code], including, but not limited to:

1. Decisions on:
   a. Comprehensive Plan amendments;
   b. Land Development Code text amendments;
   c. Official zoning map amendments.

2. Final action and acceptance of improvements on all final plats.

B. [Planning & Zoning Commission]

The [Planning & Zoning Commission] has those powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning, including, but not limited to:

1. Review and recommendation to the [Governing Body] on:
   a. Comprehensive Plan amendments;
   b. Land Development Code text amendments;
   c. Official zoning map amendments.

2. Decisions on special use permits, planned unit developments and variances.

3. Decisions on minor and preliminary plats.

4. Decisions on design review.

C. [Administrator]

The [Administrator] has those powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning, including, but not limited to:

1. Review and recommendation to the [Governing Body] on all land use permits.

2. Review and recommendation to the [Planning & Zoning Commission] and [Governing Body] on all subdivision review and design review.

3. Decisions on all site plans.

14.3.1. Applicability

The following requirements apply to applications submitted under this Article and are common to all of these procedures.

14.3.2. Application Requirements

A. Application Submittal

1. All applications must be filed with the [Department] and must be submitted on forms and in such numbers as required by the [Administrator].

2. Application forms are found on the [Jurisdiction's] website [weblink] or hard copies may be obtained at [location].

B. Fee Schedule

1. Filing fees have been established to help defray the cost of processing applications. The current fee schedule is available on-line on the [Jurisdiction's] website, as adopted by the [Governing Body].

2. Before review of an application, all filing fees must be paid in full.

C. Burden of Proof

The burden of proof to show that their application is complete and responsive to the requirements of this Land Development Code is on the applicant.

D. Completeness Determination

1. All applications must be complete before the [Jurisdiction] is required to review the application.

2. An application is considered complete when it contains all of the information necessary to decide whether or not the application will comply with all of applicable requirements of this Land Development Code.

3. The presumption is that all of the information required in the [Jurisdiction's] application forms are necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the [Administrator] to determine whether more or less information has to be submitted.

E. Application Deadline

Complete applications must be submitted in accordance with the [Jurisdiction's] published schedule.

F. Revised Application Materials

1. All revised application materials must be submitted to the [Administrator], who will route the materials to the appropriate review bodies. Plans may not be sent directly to the [Planning & Zoning Commission] or [Governing Body].

2. No revised application materials, either hard copy or electronic, may be submitted to the [Administrator] less than 10 working days prior to a scheduled public meeting or public hearing.

G. Withdrawal of an Application

1. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the [Administrator].

2. No portion of a required application fee will be refunded on any application withdrawn.

3. For applications where a public hearing has been advertised, the withdrawn application will be announced at the hearing.
14.3.3. Public Notice Requirements

For public notice requirements, see the table in Div. 14.1. The fact that notice is not received due to an error that was not the fault of the [Jurisdiction] does not prevent the public hearing from taking place, change any decision made at the public hearing, or prevent the application from continuing to move forward through the review process.

A. Published Notice

Where published notice is required, a display advertisement at least 4 inches by 2 columns in size must be published by the [Administrator] at least once in the official newspaper of the [Jurisdiction] at least 15 calendar days, but not more than 45 calendar days, prior to the date of the public hearing.

B. Web Notice

Where web notice is required, notice of the public hearing or public meeting must be posted on the [Jurisdiction’s] website at least 15 calendar days, but not more than 45 days, prior to the date of the public hearing or meeting.

C. Posted Notice

Where posted notice is required, a sign must be posted on the property at a point visible from the nearest public street. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons, as determined by the [Administrator]. Signs must be posted at least 15 calendar days prior to the date of the public hearing.

D. Mailed Notice

1. Where mailed notice is required, the [Jurisdiction] will notify by mail all owners of property included in the proposed application and all owners of property within 300 feet on all sides, as shown in the [Jurisdiction] tax records. Notice must be mailed at least 15 calendar days, but not more than 45 calendar days, prior to the date of the public hearing.

2. When notice is required to 200 or more property owners or purchasers of record, sufficient notice is provided if the [Jurisdiction] provides published notice in addition to posted notice on all external boundaries of the site.

E. Content of Notice

Required notice of a public hearing must provide at least the following:

1. A case number;
2. The address of the subject property (if available);
3. The general location of the land that is the subject of the application, which may include a location map;
4. A description of the action requested;
5. Where a map amendment is proposed, the current and proposed zoning districts;
6. The time, date and location of the public hearing or meeting;
7. A phone number and e-mail address to contact the [Administrator];
8. The web address for the [Jurisdiction]; and
9. A statement that interested parties may appear at the public hearing or meeting.

14.3.4. Public Meeting or Hearing

A. For public meeting or hearing requirements, see the table in Div. 14.1.

B. A record of meetings, hearings, resolutions, studies, findings, permits and actions taken must be maintained. All meetings and records are open to the public, except as otherwise permitted by Idaho law.
14.3.5. Notice of Decision

Within 5 working days after a decision is made, a copy of the decision must be sent to the applicant by the [Administrator]. In the case of permit issuance, the permit constitutes written notice of the decision.

14.3.6. Appeals

For appeal options, see the table in Div. 14.1. Where no appeal is listed, the local options for appeal have been exhausted, and affected parties may pursue appeals to [District Court] within 30 calendar days of the decision. All appeals must be taken on the record.
Div. 14.4. Amendments

14.4.1. What is an Amendment?
An amendment is considered one of the following.

A. Comprehensive Plan Amendment
   A request to amend the text of the Comprehensive Plan, including the Future Acquisitions Map (if any).

B. Text Amendment
   A request to amend the text of this Land Development Code.

C. Zoning Map Amendment (Rezoning)
   A request to amend the Official Zoning Map from one zoning district to another, or to change the boundaries of an existing zoning district.

14.4.2. Who Approves the Application?
The [Governing Body] approves amendments, following a public hearing and review by the [Planning & Zoning Commission].

14.4.3. Who May Submit an Application?
A. The [Governing Body], the [Planning & Zoning Commission] or the [Administrator] may initiate an application for Legislative Review.

B. Any person may initiate an amendment.

14.4.4. How Do I Submit an Application?
A. Scheduling a Pre-Application Conference
   1. Before submitting an application, you must schedule a pre-application conference with the [Administrator] to discuss the procedures and standards for approval.
   2. To schedule a pre-application conference, call the [Administrator] or go to [location].

B. Submitting Your Application
   1. Following the pre-application conference, you may start the application process. To begin, submit a complete application form, along with the required review fees, to the [Administrator].
   2. The application form are found on the [Jurisdiction’s] website or paper copies may be obtained at [location].
   3. The general submittal requirements for all development review applications are listed in Div. 14.3.2 and must be followed.

14.4.5. How is Notice Provided?

14.4.6. How is an Application Reviewed?
A. Initial Distribution of an Application
   1. Upon determination of a complete application, the [Administrator] will promptly distribute the application for review by internal departments and external agencies.

B. Neighborhood Presentation Meeting
   1. The [Administrator] will schedule a neighborhood presentation meeting. Notice of the meetings will be provided as specified in Div. 14.1.

B. Neighborhood Presentation Meeting
   1. An applicant or authorized representative must attend and participate in a neighborhood presentation meeting to discuss the proposed application.
   2. This meeting is to begin the discussion about the proposal and is not a forum for final decisions or for accepting comments concerning public support or opposition. No
minutes of the meeting are required to be taken or provided at future meetings or hearings.

C. [Administrator] Review

1. If after the internal and external review, the [Administrator] finds that the application does not meet all applicable requirements of the Land Development Code, the [Administrator] will notify the applicant of the specific provisions that have not been met, and offer the applicant the opportunity to make changes to the application. If revised application materials are required, see Sec. 14.3.2.E.

2. If after the internal and external review, the [Administrator] finds that the application meets the applicable requirements of the Land Development Code, the application will be certified as complying with all applicable requirements of the Land Development Code and scheduled for the next available [Planning & Zoning Commission] hearing.

3. Upon certification by the [Administrator] that the application complies with all applicable requirements of the Land Development Code, no changes to the application are permitted prior to the [Planning & Zoning Commission] hearing.

D. [Planning & Zoning Commission] Public Hearing

1. The [Planning & Zoning Commission] will conduct a public hearing and provide a recommendation to the [Governing Body] on the application.

2. The [Planning & Zoning Commission] has 65 calendar days from the date of the public hearing to submit their recommendations to the [Governing Body]. This time period may be extended if both the applicant and the [Planning & Zoning Commission] agree on an extension.

E. [Governing Body] Action

1. Following the recommendation of the [Planning & Zoning Commission], the [Governing Body] will take action on the application.

2. The [Governing Body] has 65 calendar days from the date of the public hearing to approve, approve with conditions, deny, or send the application back to the [Planning & Zoning Commission] for additional consideration. This time period may be extended if both the applicant and the [Governing Body] agree on an extension.

3. Amendment of this Land Development Code applicable to an owner's lands or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by Idaho Statutes Title 67, Section 67-8003, consistent with the requirements established in that section.

4. If the [Governing Body] adopts a zoning district pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning, the [Governing Body] must not subsequently reverse its action or otherwise change the zoning classification of the property without the consent in writing of the current property owner for a period of 4 years.

14.4.7. What Approval Criteria Are Used?

Different types of approvals have different review criteria. The following lists are not all-inclusive but provide guidance for making decisions on each type of approval.

A. For a Comprehensive Plan Amendment

1. The Plan Amendment corrects an error or meets the challenge of some changing condition, trend or fact.

2. The Plan Amendment is in response to changes in State law, as established through
amendments to the Idaho Statutes or by court decision.

3. The Plan Amendment constitutes a benefit to the [Jurisdiction] as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

4. The Plan Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

B. For a Land Development Code Text Amendment

1. The Text Amendment corrects an error or meets the challenge of some changing condition, trend or fact.

2. The Text Amendment is in response to changes in State law, as established through amendments to the Idaho Statutes or by court decision.

3. The Text Amendment substantially conforms with the Comprehensive Plan.

4. The Text Amendment substantially conforms with the stated purpose and intent of this Land Development Code.

5. The Text Amendment constitutes a benefit to the [Jurisdiction] as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

6. The Text Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

C. For a Zoning Map Amendment

1. The Zoning Map Amendment corrects an error or meets the challenge of some changing condition, trend or fact.

2. The Zoning Map Amendment substantially conforms with the Comprehensive Plan.

3. The Zoning Map Amendment substantially conforms with the stated purpose and intent of this Land Development Code.

4. The Zoning Map Amendment will reinforce the existing or planned character of the area.

5. The subject property is appropriate for development allowed in the proposed district.

6. There are substantial reasons why the property cannot be used according to the existing zoning.

7. There is a need for the proposed use at the proposed location.

8. The [Jurisdiction] and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

9. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

10. The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.
14.4.8. What About Development Agreements?

A. A development agreement, as specified in Sec. 67-6511A, Idaho Code, is allowed as a condition of a rezoning.

B. A development agreement may be modified only with permission of the [Governing Body], following a public hearing and notice as would be required for the original adoption.

14.4.9. What if an Application is Denied?

A. Decisions of the [Governing Body] are final. Anybody not satisfied with a decision of the [Governing Body] may pursue appeals to [District Court] within 30 calendar days of the decision. No application for amendment affecting the same or any portion of property that was denied by the [Governing Body] will be accepted for filing within 12 months of the date the application was denied.

B. The option of mediation is always available upon the written request of the applicant, an affected person, the [Planning & Zoning Commission] or the [Governing Body]. Mediation may occur at any point during the decision-making process or after a final decision has been made. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing before the [Governing Body].

C. The applicant and any other affected persons objecting to the application must participate in at least one mediation session if mediation is requested. The [Governing Body] selects and pays the expense of the mediator for the first meeting among the interested parties. Compensation of the mediator must be determined among the parties at the outset of any mediation.

D. An applicant may decline to participate in mediation requested by an affected person, and an affected person may decline to participate in mediation requested by the applicant, except that the parties must participate in at least one mediation session if directed to do so by the [Governing Body].

E. During mediation, any time limitation relevant to the application is suspended.

F. The mediation process must not be part of the official record regarding the application.

14.4.10. What Happens After Approval?

Approval of an amendment allows you to move forward with additional approvals applicable to your development.

A. If you are going to subdivide your property go to Div. 14.5.

B. If you are not going to subdivide your property, then you will need a Site Plan or a Building Permit.
Div. 14.5. Special Use Permit

14.5.1. What is a Special Use Permit?
A Special Use Permit is a request to change to or expand an existing use identified in this Article as a special use.

14.5.2. Who Approves the Application?
The [Planning & Zoning Commission] approves applications for Legislative Review, following a public hearing and review by the [Administrator].

14.5.3. Who May Submit an Application?
Any person may initiate a Special Use Permit application.

14.5.4. How Do I Submit an Application?
A. Scheduling a Pre-Application Conference
   1. Before submitting an application, you must schedule a pre-application conference with the [Administrator] to discuss the procedures and standards for approval.
   2. To schedule a pre-application conference, call the [Administrator] or go to [location].

B. Submitting Your Application
   1. Following the pre-application conference, you may start the application process. To begin, submit a complete application form, along with the required review fees, to the [Administrator].
   2. The application form are found on the [Jurisdiction’s] website or paper copies may be obtained at [location].
   3. The general submittal requirements for all development review applications are listed in Div. 14.3.2 and must be followed.

14.5.5. How is Public Hearing Notice Provided?
A Special Use Permit requires a public hearing in front of the [Planning & Zoning Commission]. Notice requirements for public hearings are specified in Div. 14.1.

14.5.6. How is an Application Reviewed?
A. Initial Distribution an Application
   1. Upon determination of a complete application, the [Administrator] will promptly distribute the application for review by internal [Jurisdiction] departments and external agencies.
   2. The [Administrator] will schedule a neighborhood presentation meeting. Notice of the meetings will be provided as specified in Div. 14.1.

B. Neighborhood Presentation Meeting
   1. An applicant or authorized representative must attend and participate in a neighborhood presentation meeting to discuss the proposed application.
   2. This meeting is to begin the discussion about the proposal and is not a forum for final decisions or for accepting comments concerning public support or opposition. No minutes of the meeting are required to be taken or provided at future meetings or hearings.

C. [Administrator] Review
   1. If after the internal and external review, the [Administrator] finds that the application does not meet all applicable requirements of the Land Development Code, the [Administrator] will notify the applicant of the specific provisions that have not been met, and offer the applicant the opportunity to make changes to the application.
If revised application materials are required, see Sec. 14.3.2.E.

2. If after the internal and external review, the [Administrator] finds that the application meets all applicable requirements of the Land Development Code, the application will be certified as complying with all applicable requirements of the Land Development Code and scheduled for the next available [Planning & Zoning Commission] hearing.

3. Upon certification by the [Administrator] that the application complies with all applicable requirements of the Land Development Code, no changes to the application are permitted prior to the [Planning & Zoning Commission] hearing.


1. Following the recommendation of the [Administrator], the [Planning & Zoning Commission] will take action on the application.

2. The [Planning & Zoning Commission] has 65 calendar days from the date of the public hearing to approve, approve with conditions, deny, or send the application back to the [Administrator] for additional consideration. This time period may be extended if both the applicant and the [Planning & Zoning Commission] agree on an extension.

3. Approval of a special use permit may be subject to the regulatory taking analysis provided for by Idaho Statutes Title 67, Section 67-8003, consistent with the requirements established in that section.

14.5.7. Can Additional Studies be Required?

Before granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed use.

14.5.8. What Approval Criteria Are Used?

The following approval criteria are used for a Special Use Permit.

A. The use is allowed as a special use in the respective zoning district.

B. The use complies with the specific use standards listed in Article 10, if any, without the granting of any variance.

C. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.

D. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

E. The [Jurisdiction] and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

14.5.9. What Conditions Apply to a Special Use Permit?

Conditions may be attached to a special use permit including, but not limited to, conditions that:

A. Minimize adverse impact on other development;

B. Control the sequence and timing of development;

C. Control the duration of development;

D. Assure that development is maintained properly;

E. Designate the exact location and nature of development;

F. Require the provision of on-site or off-site public facilities or services;
G. Require more restrictive standards than those generally required in this Land Development Code;

H. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

14.5.10. Does Approval Establish a Precedent?

No. Issuance of a special use permit is not considered to establish a binding precedent to grant other special use permits.

14.5.11. Is a Special Use Permit Transferable?

A special use permit may be transferred from one owner to another. A special use permit is not transferable from one parcel of land to another.

14.5.12. What About Development Agreements?

A. A development agreement, as specified in Sec. 67-6511A, Idaho Code, is allowed as a condition of a special use permit.

B. A development agreement may be modified only with permission of the [Planning & Zoning Commission], following a public hearing and notice as would be required for the original adoption.

14.5.13. What if an Application is Denied?


14.5.14. What Happens After Approval?

Approval of a Special Use Permit allows you to move forward with additional approvals applicable to your development.

A. If you are going to subdivide your property go to Div. 14.5.

B. If you are not going to subdivide your property, then you will need a Site Plan or a Building Permit.
Div. 14.6. Variance

14.6.1. Why Request a Variance?
A variance is the process by which an applicant can, when meeting specific hardship criteria, request a deviation from certain provisions of the Land Development Code.

14.6.2. Who Approves Variances?
The [Planning & Zoning Commission] is authorized to approve Variances.

14.6.3. Who May Request a Variance?
Any person may submit an application for a Variance.

14.6.4. How Do I Submit a Request for a Variance?
A. Scheduling a Pre-Application Conference
1. Before submitting an application, you must schedule a pre-application conference with the [Administrator] to discuss the procedures and standards required for approval.
2. To schedule a pre-application conference call the [Jurisdiction] or go to [location].

B. Submitting Your Application
1. Following the pre-application conference, you may start the application process. To begin, submit a complete application form, along with the required review fees, to the [Jurisdiction].
2. Variance application forms are found on the [Jurisdiction’s] website or paper copies may be obtained from [location].
3. The general submittal requirements for all development review applications are listed in Div. 14.3.2 and must be followed.

14.6.5. How is Notice Provided?
B. Variances are advertised on the [Planning & Zoning Commission] agenda, which is made available on the [Jurisdiction’s] website at least 7 days before the scheduled public hearing.

14.6.6. How is a Request for a Variance Reviewed?
A. Initial Review of an Application
1. Once the [Administrator] has determined the application is complete, the [Administrator] will distribute the application.
2. The [Administrator] will place the application on the next agenda for the [Planning & Zoning Commission].
3. The [Administrator] will provide a report and recommendation to the [Planning & Zoning Commission].

B. [Planning & Zoning Commission] Public Hearing
Following receipt of the recommendation of the [Administrator], the [Planning & Zoning Commission] will conduct a public hearing to approve, approve with conditions, deny or send the request back to the [Administrator] for additional consideration.

14.6.7. What Approval Criteria Are Used?
The [Planning & Zoning Commission] will not approve a Variance unless there are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to
other properties in the same zoning district. In making this determination, the [Planning & Zoning Commission] will consider all of the following criteria:

A. A literal interpretation of the provisions of this Land Development Code would effectively deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;

B. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located;

C. The requested variance will be in harmony with the purpose and intent of this Land Development Code and will not be injurious to the neighborhood or to the general welfare;

D. The special circumstances are not the result of the actions of the applicant;

E. The variance requested is the minimum variance that will make possible the proposed use of the land, building or structure;

F. The variance does not permit a use of land, buildings or structures, which is not permitted by right in the zoning district; and

G. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district.

14.6.8. What if a Request is Denied?
Decisions of the [Planning & Zoning Commission] are final. Anybody not satisfied with a decision of the [Planning & Zoning Commission] may pursue an appeal to [District Court] within 30 calendar days of the decision.

14.6.9. What Happens After Variance Approval?
Approval of a request for a Variance allows you to move forward with additional approvals as applicable to your development.

14.6.10. How Long is a Variance Valid?
A variance runs with the land and remains valid in perpetuity.
Div. 14.7. Subdivision Review

14.7.1. Why Review Subdivisions?
Subdivision Review ensures that all subdivision and sale of land complies with the applicable requirements of this Land Development Code and Idaho Statutes.

14.7.2. When is Subdivision Review Required?
Subdivision Review is required for any:

A. Subdivision of land into 2 or more parcels. All of the lots or parcels must front upon a publicly-maintained street unless specifically approved by the [Governing Body].

B. The dedication of any public street through or along any tract of land except where the dedication is initiated at the request of a public body.

C. Condominium or townhouse projects as permitted by Idaho. Additionally, the [Governing Body] may attach conditions for the provision and maintenance of open space.

D. Resubdivision of a previously-divided parcel of land into more than one parcel.

14.7.3. What Actions Are Not Subdivision?

A. A readjustment of lot lines in a recorded plat that does not reduce the area, frontage, width, depth, or building setback lines below the minimums required in the zoning district. Review by the [Administrator] is required.

B. The exchange of land for the purpose of straightening property boundaries or adding land to existing parcels by trade or sale that does not result in a change of the present land use or in any way result in land parcels which do not meet existing zoning and other regulations. Review by the [Administrator] is required.

C. A subdivision of land into parcels that are larger than 40 acres or are lots in a section of land, all as shown on the official U.S. government general land office township survey maps, including resubdivisions of those lots, all of which are designated exclusively for agricultural purposes, and do not involve any new street dedication or the creation of private easement accesses to lots or parcels which could otherwise be provided access to a publicly-dedicated street. Review by the [Administrator] is required.

D. An allocation of land in the settlement of an estate or a court decree for the distribution of property with the stipulation that the land may not be divided into more than 4 parcels with a minimum parcel to be 5 acres.

E. The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code and when the dedication of a right-of-way for public purposes is initiated by a public body.

14.7.4. Who Approves the Subdivision?
There are three types of Subdivision Review - lot splits, minor plats and major plats. Minor plats receive approval from the [Planning & Zoning Commission]. Major plats receive final approval from the [Governing Body].

14.7.5. What is a Lot Split?
A lot split is an alternative subdivision process that allows the application to be processed administratively when all of the following conditions exist:

A. The proposed lot split does not exceed 2 lots;

B. A lot split may only be used once for each parcel of land existing as of the effective date of this Land Development Code;

C. The lot split does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
D. The lot split does not require the dedication of public right-of-way;

E. The lot split does not require public streets and each proposed lot fronts on an existing public street that contains the necessary right-of-way width; and

F. Each proposed lot meets all applicable requirements of this Land Development Code and no variance or waiver from a standard is requested.

14.7.6. What is a Minor Plat?
A minor plat is an alternative subdivision process that allows the application to be processed as both a preliminary plat and a final plat in a single process when all of the following conditions exist:

A. The proposed subdivision does not exceed 5 lots;

B. The subdivision does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;

C. The subdivision does not require the dedication of public right-of-way;

D. The subdivision does not require public streets and each proposed lot fronts on an existing public street that contains the necessary right-of-way width; and

E. Each proposed lot meets all applicable requirements of this Land Development Code and no variance or waiver from a standard is requested.

14.7.7. What is a Major Plat?
A subdivision not considered a minor plat in Sec. 14.7.5 above is considered a major plat.

14.7.8. Who May Submit an Application?
Any person may initiate an application for Subdivision Review.

14.7.9. How Do I Submit an Application?

A. Scheduling a Pre-Application Conference

1. Before submitting an application, you must schedule a pre-application conference with the [Administrator] to discuss the procedures and standards for approval. This initial meeting will establish whether your application will be considered a minor plat or a major plat.

2. To schedule a pre-application conference call the [Jurisdiction] or go to [location].

B. Submitting Your Application

1. Following the pre-application conference you may start the application process. To begin, submit a complete application form, along with the required review fees, to the [Jurisdiction].

2. Minor plat and major plat application forms are found on the [Jurisdiction’s] website or paper copies may be obtained at [location].

3. The general submittal requirements for all development review applications are listed in Div. 14.3.2 and must be followed.

4. All plats must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials of Plats.

14.7.10. How is Public Notice Provided?
Lot splits are reviewed administratively, and no public notice is required. Minor plats require a public meeting in front of the [Planning & Zoning Commission]. Major plats require a public hearing in front of the [Planning & Zoning Commission] at the preliminary plat stage. Notice requirements for public hearings are specified in Div. 14.1.
14.7.11. How is a Lot Split Reviewed?

A. Review and Action by the [Administrator]

1. Upon determination of a complete application, the [Administrator] will promptly distribute the application for review by internal [Jurisdiction] departments. External agency review is not required for lot splits.

2. If after the internal review, the [Administrator] finds that the lot split does not meet all the applicable requirements of the Land Development Code, the [Administrator] will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the plat.

3. If after the internal review, the [Administrator] finds that the lot split meets all applicable requirements of the Land Development Code, the application will be certified as complying with all applicable requirements of the Land Development Code.

4. The [Administrator] has 30 calendar days after submission of the completed lot split application to approve, approve subject to listed modifications, or deny the lot split. This time period may be extended if both the applicant and the [Administrator] agree on an extension.

5. Approval of a lot split by the [Administrator] constitutes a final plat. The lot split must be recorded by the County Clerk within 6 months of approval, or the approval expires.

14.7.12. How is a Minor Plat Reviewed?

A. Review by the [Administrator]

1. Upon determination of a complete application, the [Administrator] will promptly distribute the application for review by internal [Jurisdiction] departments. External agency review is not required for minor plats.

2. If after the internal review, the [Administrator] finds that the minor plat does not meet all the applicable requirements of the Land Development Code, the [Administrator] will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the minor plat.

3. If after the internal review, the [Administrator] finds that the minor plat meets all applicable requirements of the Land Development Code, the application will be certified as complying with all applicable requirements of the Land Development Code and scheduled for the next available [Planning & Zoning Commission] meeting.

4. Upon certification by the [Administrator] that the minor plat complies with applicable requirements of the Land Development Code, no changes to the application are permitted prior to the [Planning & Zoning Commission] meeting.

B. Review and Action by the [Planning & Zoning Commission]

1. The [Planning & Zoning Commission] will conduct a public meeting on the minor plat.

2. The [Planning & Zoning Commission] has 45 calendar days after submission of the completed minor plat application to approve, approve subject to listed modifications, or deny the minor plat. This time period may be extended if both the applicant and the [Planning & Zoning Commission] agree on an extension.

3. Approval of a minor plat by the [Planning & Zoning Commission] constitutes a final plat. The minor plat must be recorded by the County Clerk within 6 months of approval, or the approval expires.
14.7.13. How is a Major Plat Reviewed?

A. Major Plat approval is a two-step process. You must first receive preliminary plat approval from the [Planning & Zoning Commission] and then get final plat approval from the [Governing Body].

B. Anything regulated in the Land Development Code will be reviewed for compliance by the [Administrator], with additional review by internal [Jurisdiction] departments and external agencies.

C. The application will also be reviewed by the [Planning & Zoning Commission] for substantial conformance with the [Jurisdiction’s] adopted plans and policies.

D. Components of an application that have been determined to meet the requirements of the Land Development Code by the [Administrator] may not be used as a basis for denial, or be modified by the [Planning & Zoning Commission], except to comply with an adopted plan or policy.

14.7.14. How is a Preliminary Plat Approved?

A. Review by the [Administrator]

1. Upon determination of a complete application, the [Administrator] will promptly distribute the application for review by internal [Jurisdiction] departments and external agencies.

2. If after the internal and external review, the [Administrator] finds that the preliminary plat does not meet all the applicable requirements of the Land Development Code, the [Administrator] will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the preliminary plat.

3. If after the internal and external review, the [Administrator] finds that the preliminary plat meets all applicable requirements of the Land Development Code, the application will be certified as complying with all applicable requirements of the Land Development Code and scheduled for the next available [Planning & Zoning Commission] meeting.

4. Upon certification by the [Administrator] that the preliminary plat complies with applicable requirements of the Land Development Code, no changes to the application are permitted prior to the [Planning & Zoning Commission] meeting.

B. Review by the [Planning & Zoning Commission]

1. The [Planning & Zoning Commission] will conduct a public hearing on the preliminary plat.

2. The [Planning & Zoning Commission] has 65 calendar days after submission of the completed Preliminary Plat application to approve, approve subject to listed modifications, or deny the Preliminary Plat. This time period may be extended if both the applicant and the [Planning & Zoning Commission] agree on an extension.

3. If waiver from a standard is requested as part of a Preliminary Plat, the Preliminary Plat must be approved by the [Governing Body] under Sec. 14.5.20.

4. Approval of a Preliminary Plat does not constitute approval of a Final Plat.

14.7.15. What Standards Can Be Varied?

When the [Governing Body], with a recommendation from the [Planning & Zoning Commission], finds that because of topographic or other conditions peculiar to the site, the literal enforcement of a preliminary plat or final plat requirement may result in unnecessary hardship, the [Governing Body] may vary the requirements. Before a variance request is granted, the [Governing Body] must find all of the following:
A. The practical difficulties or unnecessary hardship were not created by the owner of the property or the applicant;

B. The practical difficulties or unnecessary hardship are not solely financial;

C. The variance will not substantially or permanently injure adjacent property or its improvements;

D. The variance requested is the minimum required to resolve the difficulties that will make possible the legal use of the land, building or structure;

E. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district; and

F. The public health, safety and welfare are secured.

14.7.16. What Approval Criteria Are Used?

When reviewing or approving a plat, the [Planning & Zoning Commission] considers the following:

A. Recommendations of the [Administrator], including recommendations from internal [Jurisdiction] departments and external agencies;

B. Consistency with the Comprehensive Plan;

C. Compliance with the applicable requirements of this Land Development Code; and

D. Substantial conformance with the [Jurisdiction's] applicable adopted plans and policies.

14.7.17. What Happens After Preliminary Approval?

Following approval of a preliminary plat, plans and specifications for the installation of improvements required for a Site Plan or Building Permit may be prepared and submitted.

14.7.18. How Long is a Preliminary Plat Valid?

An approved preliminary plat expires 2 years after the approval date, unless the applicant has filed a complete application for a final plat.

14.7.19. Can Development be Phased?

Once a preliminary plat has been approved, final plats may be submitted in phases. The preliminary plat remains valid, provided that a final plat consistent with the preliminary plat is submitted and completed within 5 years.

14.7.20. What if I Need Revisions?

A. Minor revisions to an approved Preliminary Plat that reflect the same basic street and lot configurations as used for the original approval may be approved by the [Administrator].

B. Any request for a revision to an approved preliminary plat that increases the number of building lots, decreases the amount of common open space or alters a street or block pattern must be initiated and processed as a new application.

14.7.21. What if a Preliminary Plat is Denied?

If unsatisfied with the decision of the [Planning & Zoning Commission], you may file an appeal with the [Governing Body] within 30 calendar days of the decision. The [Governing Body] has to make a decision on the appeal within 30 calendar days from the date of the public hearing on the appeal. This time period may be extended if both the applicant and the [Governing Body] agree on an extension. Decisions will be made based on the record presented to the [Planning & Zoning Commission] and the substantial evidence standard applies.
14.7.22. How is a Final Plat Approved?

A. Review by the [Administrator]

1. Upon determination of a complete application, the [Administrator], will promptly distribute the application for review by internal [Jurisdiction] departments and external agencies.

2. If after the internal and external review, the [Administrator] finds that the final plat does not meet all the applicable requirements of the Land Development Code or substantially conform with the preliminary plat, the [Administrator] will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the final plat.

3. If after the internal and external review, the [Administrator] finds that the final plat meets all applicable requirements of the Land Development Code and substantially conforms with the preliminary plat, the application will be certified as complying with all applicable requirements of the Land Development Code and then scheduled for the next available [Governing Body] meeting.

4. Upon certification by the [Administrator] that the application complies with all applicable requirements of the Land Development Code, no changes to the application are permitted prior to the [Governing Body] meeting.

B. Review by the [Governing Body]

1. The [Governing Body] will conduct a public meeting on the final plat. The [Governing Body] has 45 calendar days after submission of the completed final plat application to approve, approve subject to listed modifications, deny, or send the application back to the [Planning & Zoning Commission] for additional consideration. This time period may be extended if both the applicant and the [Governing Body] agree on an extension.

2. The final plat will be reviewed for substantial conformance with the approved preliminary plat by the [Governing Body]. The [Governing Body] will also accept any dedication of land or public improvements as part of approving a final plat.

3. The final plat must be recorded by the County Clerk within 6 months of approval, or the approval expires.

14.7.23. What Approval Criteria Are Used?

When approving a final plat, the [Governing Body] considers the following:

A. Recommendations of the [Administrator];

B. Conformance with the approved preliminary plat; and

C. Construction of all improvements, or a surety to ensure their construction in a form acceptable to the [Jurisdiction].

14.7.24. What About Construction Drawings?

A. Plans for the improvements required by this Land Development Code must be prepared by a registered engineer. The subdivider must submit construction drawings with the final plat for all improvements required in that portion of the subdivision contained in the final plat.

B. Prior to recording the final plat, the subdivider must either complete the public improvements shown in the construction drawings, or provide some form of surety to ensure completion of the improvements.
14.7.25. What if a Final Plat is Denied?

Decisions of the [Governing Body] are final. Anybody not satisfied with a decision of the [Governing Body] may pursue appeals to [District Court] within 30 calendar days of the decision.

14.7.26. How Long is a Final Plat Valid?

If the subdivider has not completed construction of all proposed improvements identified in the development agreement within 5 years of the date of final plat approval, the [Jurisdiction] will, at its discretion, commence proceedings for the vacation of the subject plat, in accordance with Idaho Code Section 50-1306A.
Div. 14.8. Site Plan Review

14.8.1. Why Review Site Plans?
Site Plan Review ensures that all construction and development complies with the applicable requirements of the Land Development Code.

14.8.2. When is a Site Plan Required?
A. Site Plan Review is required for all:
   1. New construction, including any activity that requires a building permit; and
   2. Building additions, parking lot and site expansions.
B. Site Plan Review is not required for a single-family dwelling or a two-family dwelling on a single lot.
C. Site Plan Review is not required for any building structural improvements required to meet the current Fire Code.

14.8.3. Who approves the Site Plan?
The [Administrator] approves site plans.

14.8.4. Who May Submit an Application?
Any person may submit an application for Site Plan Review.

14.8.5. How Do I Submit an Application?
A. Scheduling a Pre-Application Conference
   1. Before submitting an application, you must schedule a pre-application conference with the [Administrator] to discuss the procedures and standards required for approval.
   2. To schedule a pre-application conference call the [Jurisdiction] or go to [location].
B. Submitting Your Application
   1. Following the pre-application conference, you may start the application process. To begin, submit a complete application form, along with the required review fees, to the [Jurisdiction].
   2. Site Plan Review application forms are found on the [Jurisdiction's] website or paper copies may be obtained from [location].
   3. The general submittal requirements for all development review applications are listed in Div. 14.3.2 and must be followed.

14.8.6. How is Notice Provided?
A public hearing is not required for either Site Plan Review, therefore, no formal notice of the submittal is published, mailed or posted.

14.8.7. How is a Site Plan Reviewed?
A. Once the [Administrator] has determined the application is complete, the [Administrator] will review the application.
B. Anything regulated in the Land Development Code will be reviewed for compliance by the [Administrator], with additional review by internal [Jurisdiction] departments and external agencies, as necessary.
C. Following review of the Site Plan, the [Administrator] will approve or deny the application. A decision will be made within 20 working days of receiving a complete application. This time period may be extended if both the applicant and the [Administrator] agree on an extension.
D. If the [Administrator] finds that the Site Plan does not meet all the applicable requirements of the Land Development Code, the [Administrator] will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the Site Plan.
E. Approval or denial of a Site Plan is based on whether or not the submittal meets or fails to meet the applicable requirements of the Land Development
Code. The [Administrator] may not modify a standard in the Land Development Code unless the requested modification is allowed in Div 13.6.8.

F. If unsatisfied with the [Administrator's] decision, an appeal may be filed with the [Planning & Zoning Commission], within 30 calendar days of the decision.

14.8.8. What Standards Can Be Modified?

A. Applicability

The [Administrator] may modify the following standards during Site Plan Review. Any other modification beyond those listed below must be considered by the [Planning & Zoning Commission] as a variance subject to Div. 14.9.

1. Setbacks
   A. reduction of up to 20% of the numeric standard for a minimum building setback.

2. Build-to
   a. An increase or reduction of up to 10% of the numeric standard for the minimum or maximum primary street or side street setback.
   b. A reduction of up to 5% of the minimum build-to percentage.

3. Ground Floor Elevation
   A reduction of the minimum ground floor elevation by up to one foot (except in areas subject to minimum base flood elevations).

4. Ground and Upper Story Floor Heights
   A reduction of the minimum ground-story and upper-story floor heights by up to 10%.

5. Transparency
   A reduction of the minimum transparency requirements by up to 5%.

6. Blank Wall Area
   An increase of the maximum allowed blank wall area by up to 15%.

7. Street-Facing Entrances
   An increase in the minimum distance between street-facing entrances by up to 10%.

B. Criteria for Approval

The [Administrator] must consider the following when approving a request for a modification:

1. There are clear and compelling reasons that are not purely financial why the required standard cannot be met; and

2. The approved modification is the minimum amount necessary to meet the objectives identified above.

14.8.9. What if I Need Revisions?

A. Revisions to an approved Site Plan may be allowed by the [Administrator] for the following:

1. Up to a 10% increase or any decrease in gross floor area of a single building;

2. Up to a 10% reduction in the approved setbacks from exterior property lines; and

3. Relocation of parking areas, internal driveways or structures where such relocation occurs more than 100 feet from exterior property lines.

B. Any other changes must be resubmitted as a new application.

14.8.10. How Long is a Site Plan Valid?

An approved Site Plan expires 1 year after the approval date unless the applicant has filed a complete application for a Building Permit.
14.8.11. What if a Site Plan is Denied?

If unsatisfied with the [Administrator's] decision on a Site Plan, you may file an appeal with the [Planning & Zoning Commission] within 30 calendar days of the decision. The Board will review the appeal based on the record of the [Administrator's] decision.

14.8.12. What Happens After Site Plan Approval?

Upon approval of a Site Plan, application for building permits may be made.

14.9.1. Why Review Design?
Design Review occurs where required in this Land Development Code.

14.9.2. When is Design Review Required?
A. Design Review is required for all:
   1. New construction, including any activity that requires a building permit;
   2. Where an existing use or development is proposed to be modified through partial redevelopment or exterior remodeling, the review is conducted only on that portion of the use or development that is to be modified.
B. Design Review is not required for a single-family dwelling or a two-family dwelling on a single lot.
C. Design Review is not required for any building structural improvements required to meet the current Fire Code.

14.9.3. Who Approves the Design?
The [Planning & Zoning Commission] approves your design following a recommendation by the [Administrator].

14.9.4. Is Concurrent Review Allowed?
Design Review may occur at the same time as Site Plan Review.

14.9.5. Who May Submit an Application?
Any person may submit an application for Design Review.

14.9.6. How Do I Submit an Application?
A. Scheduling a Pre-Application Conference
   1. Before submitting an application, you must schedule a pre-application conference with the [Administrator] to discuss the procedures and standards required for approval.
   2. To schedule a pre-application conference call the [Jurisdiction] or go to [location].
B. Submitting Your Application
   1. Following the pre-application conference, you may start the application process. To begin, submit a complete application form, along with the required review fees, to the [Jurisdiction].
   2. Design Review application forms are found on the [Jurisdiction’s] website or paper copies may be obtained from [location].
   3. The general submittal requirements for all development review applications are listed in Div. 14.3.2 and must be followed.

14.9.7. How is Notice Provided?

14.9.8. How is a Design Reviewed?
A. [Administrator] Review
   Once the [Administrator] has determined the application is complete, the [Administrator] will review the application. Anything regulated in the Land Development Code will be reviewed for compliance by the [Administrator]. If the [Administrator] finds the project design does not meet all the applicable requirements of the Land Development Code, the [Administrator] will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the design.
B. Action by [Planning & Zoning Commission]
   Within 20 working days of recommendation from the [Administrator], the [Planning & Zoning Commission] will approve, approve subject to listed modifications,
deny the application for design review. The Commission may require conditions necessary to make the proposed project compatible with the applicable guidelines of the Commercial Design Standards.

C. Appeal

If you are unsatisfied with the [Planning & Zoning Commission's] decision, an appeal may be filed with the [Governing Body] within 30 calendar days of the decision.

14.9.9. How Do Guidelines Apply?

Guidelines or guiding principles are not mandatory, but may not be ignored either. The words “should,” “preferred” and “recommend” indicate guidelines, or parameters for interpreting, applying, and modifying the project design. Guidelines may also contain illustrations and photographs. The graphics are intended to be interpreted as examples of recommended, acceptable or unacceptable elements, styles or design treatments. Guidelines are intended to be balanced, and applied with discretion. Alternative designs that meet or exceed the intent of the guiding principles and design guidelines are encouraged.

14.9.10. Criteria for Approval

The applicant has the burden of proof of demonstrating conformity with the guidelines in the Commercial Design Standards. The [Planning & Zoning Commission] must consider the following when approving the project design:

A. The project design meets all applicable Land Development Code requirements.

B. On balance, the project meets or exceeds the guidelines or guiding principles.

14.9.11. How Long is Design Review Approval Valid?

An approved project design expires 1 year after the approval date unless the applicant has filed a complete application for a Building Permit.

14.9.12. What if Your Project Design is Denied?

If unsatisfied with the [Planning & Zoning Commission's] decision on your project design, you may file an appeal with the [Governing Body] within 15 calendar days of the decision. The Council will review the appeal based on the record of the [Planning & Zoning Commission's] decision.

14.9.13. What Happens After Design Approval?

Upon approval of a project design, application for a Building Permit may be made.
Div. 14.10. Nonconformities

14.10.1. Nonconforming Lot of Record

A. Defined
A lot that does not conform to the lot requirements of the applicable zoning district, but which was a conforming lot of record prior to the effective date of this Land Development Code or its amendment.

B. Use as Building Site
A nonconforming lot of record may be used as a building site, provided that the all other dimensional requirements of the applicable zoning district are met or a variance is obtained from the [Planning & Zoning Commission]. Where applicable, the nonconforming lot of record must meet all current requirements of the [Jurisdiction] Health Department.

14.10.2. Nonconforming Use

A. Defined
Any use of land, building or structure that does not conform to the use regulations of this Land Development Code, but which was lawfully existing (conforming) on or before the effective date of this Land Development Code or its amendment.

B. Continuance
A nonconforming use may be continued, subject to the requirements of this Section.

C. Proof of Lawful Establishment
It is the responsibility of the owner of a nonconforming use to prove to the [Administrator] that the use was lawfully established and existed on the effective date of adoption or amendment of this Land Development Code.

D. Change in Use
A nonconforming use may not be changed to another nonconforming use. A change in tenancy or ownership is not considered a change to another nonconforming use, provided that the use itself remains unchanged.

E. Discontinuance
A nonconforming use may not be re-established after discontinuance for 1 year. Vacancy or non-use of the building, regardless of the intent of the owner or tenant, constitutes discontinuance under this provision. If a business registration is required for the nonconforming use, and the business registration has lapsed in excess of 1 year, the lapse of business registration will constitute discontinuance.

F. Expansion
A nonconforming use may not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use allowed within the applicable zoning district.

G. Repair
A nonconforming use may not be rebuilt, altered or repaired after damage exceeding 50% of its replacement cost at the time of damage, as determined by the [Administrator], except for a use that conforms with the applicable zoning district, and provided any rebuilding, alteration or repair is completed within one year of such damage.

14.10.3. Nonconforming Building or Structure

A. Defined
A principal or accessory building or structure that does not meet the requirements for the applicable zoning district.

B. Expansion
A nonconforming building or structure may be expanded, enlarged or extended where the expansion, enlargement or extension is for a conforming use in the applicable zoning district. Any expansion, enlargement or extension of a
A nonconforming building or structure must meet the dimensional requirements for the applicable zoning district and all other requirements of this Land Development Code.

C. Damage or Destruction

1. In the event that a nonconforming structure devoted to a conforming residential or civic use is damaged or partially destroyed by exercise of eminent domain, riot, fire, accident, explosion, flood, lightning, wind or other calamity or natural cause, such structure may be restored within the existing footprint and to the condition existing immediately before the damage or destruction.

2. In the event that a nonconforming structure devoted to a conforming non-residential use is damaged or partially destroyed by exercise of eminent domain, riot, fire, accident, explosion, flood, lightning, wind or other calamity or natural cause to the extent of 50% of the value of the structure prior to the damage or destruction, such structure may only be restored in conformance with this Land Development Code, unless a variance is granted by the [Planning & Zoning Commission].

14.10.4. Nonconforming Build-to Requirement

A. Additions

When an existing building is being expanded and the building doesn’t meet the build-to requirement, the following provisions apply.

Front: Addition. Any addition to the front must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.

Rear: Addition. Rear additions are allowed because the addition does not increase the degree of the nonconformity.

Side: Addition. Side additions are not allowed because the extension increases the width of the building not located in the build-to zone.

B. New Buildings

Where a new building is being constructed on a lot or site with an existing building on it that doesn’t meet the build-to requirement, the following provisions apply.
Front: New Building. All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.

Rear: New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.

Side: New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.
Div. 14.11. Enforcement and Penalties

14.11.1. Enforcement Authority

A. [Administrator]
   The [Administrator] has primary enforcement authority for this Land Development Code.

14.11.2. Violation

Any action or omission that is in contravention of this Land Development Code is a violation and subjects the violator to enforcement action pursuant to this Div. 14.12.

14.11.3. Notice of Violation

A. If the [Administrator] determines that a provision of this Land Development Code is being violated, written notice may be provided, either personally or by certified mail, to the owner of record of the building, structure or land that is the source of the violation. If the violation is by a tenant, person, corporation, firm or other entity who is not the owner of record of the building, structure or land, notice must be provided to that person or entity.

B. The notice of violation must contain:
   1. The name and address of the owner or the applicant or the responsible person;
   2. The address or other description of the site upon which the violation is occurring;
   3. A statement specifying the nature of the violation;
   4. A description of the remedial measures necessary to bring the action or inaction into compliance with this Land Development Code and the date for the completion of such measures, which, at a minimum, must provide 30 days to cure the violation;
   5. A statement of the remedial action or penalty that may be assessed against the person to whom the notice of violation is directed.

14.11.4. Citation

A. If the violator does not cure the violation within the designated cure period, the Administrator may issue a citation for the violation.

B. Each day any violation continues constitutes a separate offense.

14.11.5. Penalties

Any violation of any provision of this Land Development Code is subject to misdemeanor prosecution, infraction fines, and civil injunctive relief to the full extent provided for by Idaho Code Title 67, Chapter 65.

14.11.6. Remedies

Where a permittee has failed to meet a condition of approval of any permit authorized under this Land Development Code, [Jurisdiction] may employ the following remedies, without limitation.

A. Bond Forfeiture

   Following notice and an opportunity to cure of not less than 30 days, [Jurisdiction] may deem any surety the permittee has provided to be forfeited and may use the proceeds to hire a contractor to fulfill the required conditions of approval.

B. Withhold Certificate of Occupancy

   [Jurisdiction] may refuse to issue a Certificate of Occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has met the applicable conditions of approval.

C. Suspension, Revocation or Modification of Permit

   Following notice and an opportunity to be heard by the [Governing Body], [Jurisdiction] may suspend, revoke or modify any permit authorized by this Land Development Code.
Article 15 - Definitions

A. Abutting. Having property lines in common. Separation by a street or alley is not considered abutting.

[Administrator]. [Jurisdiction] Planning and Zoning [Administrator] or Planning Director, or their designee.

Agriculture Building. A building used for agriculture associated with farming that satisfy the standards of an accessory structure.

Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property.

Antenna. Any system of wires, poles, rods, panels, whips, cylinders, reflecting discs, or similar devices used for transmitting or receiving electromagnetic waves when such system is either external to or attached to the exterior of a structure or is portable or movable. Includes devices having active elements extending in any direction and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Applicant. A person submitting an application for approval under this Land Development Code.

B. Buffer. A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property.

Building. Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. For purposes of this code, the term “building” includes “structure”.

Building, Accessory. A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot.

Building, Principal. A building that contains the principal use on the lot on which the building is situated.

C. Caliper. A nursery standard of tree trunk measurement for understory trees or replacement trees. Caliper of the trunk is taken at 6 inches above the ground for trees up to and including 8-inch caliper size.

Color Temperature. A measure of the color spectrum of light, specified by the lamp manufacturer and displayed as “Light Appearance” on Lighting Facts packaging labels.

Commission. The [Planning & Zoning Commission].

Special Use Permit. A use that may or may not be appropriate within a given zoning district, depending on the particular site and conditions applied during approval. Exceptions or waivers of standards, other than use, may be permitted through issuance of a special use permit, subject to such conditions as may be imposed by the [Governing Body].

Condominium. An estate consisting of an undivided common interest in real property, together with a separate interest in real property, or any combination of the above.

Construction, New. Buildings for which the “start of construction” commenced on or after the effective date of this Land Development Code and includes any subsequent improvements to such building.

Critical Root Zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to 1.5 times the number of inches of the trunk diameter.

Curb cut. The providing of vehicular ingress and/or egress between property and an abutting street.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials

Direct Light. Light emitted directly from a fixture’s light source, namely from the lamp and its diffusing, reflecting, refractive, focusing, or other integrated fixture elements designed to project and radiate light.

Dwelling. A building designed, arranged or used for permanent living and sleeping quarters.

Dwelling unit. A building, or portion of a building, designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

E.

Easement. A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes and so designated on a plat.

F.

Family. One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of 5 or more persons who are not within the second degree of kinship do not constitute a family unless such 5 or more persons qualify as a group residence as described in Idaho Code section 67-6531.
Fixture. The complete lighting unit (Luminaire), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Floodlight. Fixture that projects light in a broad, directed beam, typically of two lamp types: simple lamps whose supporting optic elements are part of the fixture casement having wide beam-spread angles up to 110 degrees; or sealed-beam lamps with internal parabolic reflectors having narrower beam-spread angles of 25 to 55 degrees. Designation as a floodlight is ordinarily displayed on lamp packaging.

Footcandle. The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot measurable by a light meter. In this ordinance, footcandle units are referenced to the initial-lumen-output rating of the fixture lamp.

Fully Shielded Luminaire. A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire’s lowest light-emitting part. “Full cutoff” and zero uplight fixtures in particular meet this definition.

Future Acquisitions Map. The map designates land proposed for acquisition by a public agency for a maximum 20-year period. Lands designated for acquisition may include land for:

1. Streets, roads, other public ways, or transportation facilities proposed for construction or alteration;
2. Proposed schools, airports, or other public buildings;
3. Proposed parks or other open spaces; or
4. Lands for other public purposes.

G.

Glare. Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Gross Floor Area. The sum in square feet of the gross horizontal area of all floors of a building measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings when two buildings or units abut. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches and floor area devoted to roofed accessory uses are included in the calculation of gross floor area. However, the following is not included: any space devoted exclusively to on-site parking; outdoor loading, display, storage, utility service areas; and/or uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-10”.

H.

No terms beginning with the letter H are defined at this time.

I.

Illuminance. The amount of light incident on a surface.
J.

No terms beginning with the letter J are defined at this time.

K.

Kelvins (K). A unit of absolute temperature measured by the Kelvin scale. In this ordinance, kelvins (K) that is a measure of color temperature of the light spectrum emitted by a lamp.

L.

Lamp. Component, tube, or bulb of a fixture that produces light when energized. Multiple lamps within a single fixture are lumen-rated additively as if a single lamp.

Lamp string. Multiple, interconnected lamps attached to a single electrical source, but not additionally housed as is typical within a fixture. Included are “light strings” commonly used as Christmas lighting, “rope lights” strung within a continuous protective sheath, and similar interconnected aggregations of LED lamps integrated within individual light-dispersing refractors.

Light. Radiant energy that can be sensed or seen by the human eye. Visible light is measured in lumens.

Light Trespass. Light that falls beyond the property it is intended to illuminate.

Lumen. The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

Lot. A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage. A lot abutting two parallel or approximately parallel streets.

Lot, Interior. A lot other than a corner lot.

Lot Line, Front. The front property line coincident with a street right-of-way line.

Lot of Record. A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of [Jurisdiction], or any parcel of land, whether or not part of a subdivision, that has been officially recorded at a size that met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

M.

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

Mobile Home Park. Any area, tract, plot, or site of land, where 2 or more standard mobile homes are placed, located and maintained for dwelling purposes on a permanent or semi-permanent basis and for which a fee, or rental or contract for payment, for such use is collected by or collectable to the person holding the land.
N.

No terms beginning with the letter N are defined at this time.

O.

Occasional Lighting. Illumination that is infrequent, or intermittent; and controlled by a manual or timer-operated switch, or by a motion sensor not activated by off-property movements.

Outdoor Lighting. Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

P.

Parcel. A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.

Partly Shielded Luminaire. A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.

Plat. The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals.


Public right-of-way. Any land dedicated and open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

Q.

No terms beginning with the letter Q are defined at this time.

R.

No terms beginning with the letter R are defined at this time.

S.

Setback. A line demarcating that portion of the lot specified must remain devoted to a yard, and the buildable portion of the lot. Building setbacks and “yard” are considered one and the same.

Shade Tree. A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than 50 feet.

Sign. Any combination of words, letters, numbers, images, or symbols, designed to attract the attention of, or communicate information to, the public, in regards to an activity, business, commodity, event, sale, or service.

Sign Face. That portion of the sign, excluding the supporting structure, where the words, letters, numbers, images, or symbols can be placed.

Story. That portion of a building compromised between a floor and the floor or roof above. The first floor of a two- or multi-story building is the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor must be numbered consecutively.
Street, private. A street within a subdivision plat that is not dedicated to the public and not a part of a public highway system.

Street, public. A road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency.

T.

Temporary Sign. Any sign that is used temporarily and is not permanently mounted and which is intended to be displayed for a limited time only to advertise a temporary sale or event (does not include a sidewalk sign).

U.

No terms beginning with the letter U are defined at this time.

V.

No terms beginning with the letter V are defined at this time.

W.

Window Sign. A sign installed inside a window for purposes of viewing from outside the premises.

X.

No terms beginning with the letter X are defined at this time.

Y.

Yard. Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such uses as provided by this title. The minimum depth or width of a yard consists of the horizontal distance between the lot line and the drip line of the main building.

Yard, Corner. The area of a lot extending from the front yard to the rear yard and measured between the building and the side street lot line.

Yard, Front. The area of a lot extending across the full width of the lot and measured between the building line and the primary street lot line.

Yard, Rear. The area of a lot extending across the full width of the lot and measured between the building and the rear lot line.

Yard, Side. The area of a lot extending from the front yard to the rear yard and measured between the building and the side lot line.

Z.

No terms beginning with the letter Z are defined at this time.