



ORDINANCE NO. 480

AN ORDINANCE AMENDING MCCAMMON MUNICIPAL ORDINANCE CODE,
CONCERNING ZONING ISSUES; PROVIDING FOR SEVERALBILITY AND AN
EFFECTIVE DATE.

WHEREAS, McCammon City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Idaho; and;

WHEREAS, Idaho Code empowers municipalities of the state to enact all ordinances and rules that they consider necessary of operations within the municipality, including zoning and development issues and regulations; and

WHEREAS, the City finds it is in the best interest of the community and its citizens to sometimes update and clarify sections of the City Code in order to better inform the general public or to clarify sections that may not be understood correctly; and

WHEREAS, a public hearing was held, and notice thereof published in the Idaho State Journal, a newspaper of general circulation in the City of McCammon, describing the proposed amendment and providing the time and place of such public hearing; and

WHEREAS, the McCammon City Council received all competent evidence offered in support of and in opposition to said proposed amendment in said meeting and it appearing that the proposed amendments are in accord with the City's goals and will promote health, safety, and the general welfare of the community; and

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF MCCAMMON:

Section 1. Repealer. Any provision of the McCammon Municipal Ordinance Code found to be in conflict with this ordinance is hereby repealed.

Section 2. The McCammon Municipal Ordinance, Title 16, Zoning, is hereby amended to update, better clarify, define and implement sections concerning numerous zoning issues, as outlined in Attachment A, attached hereto and incorporated hereby, to better conform to the goals and aspirations of the McCammon City Comprehensive Plan.

Section 3. All other titles, chapters and sections not otherwise amended hereby shall remain unchanged, in full force and effect.

Attachment A

Title 16

Chapters:

16.04	Definitions
16.08	Districts Established
16.12	Official Zoning Map
16.16	R-1 Single-family Residential Zone (R-1)
16.20	R-2 Combined Residential Zone (R-2)
16.24	C Commercial Zone (C)
16.28	M-1 Light Industrial Zone (M-1)
16.32	A Agricultural Zone (A)
16.34	Mixed used zone (MU)
16.36	Use Regulations
16.40	Yard Setback Requirements
16.44	Nonconforming Uses
16.48	Off-street Parking
16.52	Mobile Home Parks
16.54	Subdivisions
16.56	Amendment
16.60	Conditional Use Permit
16.64	Variances
16.68	Enforcement and Penalties

Chapter 16.04

DEFINITIONS

Sections:

16.04.010	Generally.
16.04.020	Accessory building.
16.04.030	Accessory use.
16.04.040	Agriculture.
16.04.050	Airport.
16.04.060	Animal hospital.
16.04.070	Apartment.
16.04.080	Automobile sales lot.
16.04.090	Automobile service station.
16.04.100	Automobile wrecking yard.
16.04.110	Block.
16.04.120	Building house

Sections: (Continued)

- 16.04.130 Building.
- 16.04.140 Building, detached.
- 16.04.150 Building, nonconforming.
- 16.04.160 Building, government.
- 16.04.170 Business or commerce. City.
- 16.04.180 City.
- 16.04.190 City Clerk.

	Commission.
	Comprehensive general plan.
16.04.010	Conditional use.
16.04.200	Council.
16.04.210	Drive-in establishment.
16.04.220	Dwelling.
16.04.230	Dwelling, high rise multiple-family.
16.04.240	Dwelling, multiple-family.
16.04.250	Dwelling, single-family.
16.04.260	Dwelling, two-family.
16.04.270	Dwelling unit
16.04.280	Floor area, gross.
16.04.290	Floor area, net.
16.04.300	Height, building.
16.04.310	Home occupation.
16.04.320	Junk yard.
16.04.330	Kennel, commercial.
16.04.340	Loading and unloading space, off-street.
16.04.350	Lot.
16.04.360	Lot, corner.
16.04.370	Lot coverage.
16.04.380	Lot line.
16.04.390	Lot width.
16.04.400	Mobile home.
16.04.410	Mobile home park.
16.04.420	Motel.
16.04.430	Nonconforming use.
16.04.440	Nursery school.
16.04.450	Nursing home, convalescent home.
16.04.460	Rest home, elderly housing.
16.04.470	Parking lot.
16.04.480	Parking space.
16.04.490	Restaurant.
16.04.500	Setback area.
16.04.510	Sign.
16.04.520	Story.
16.04.530	Street.
16.04.540	Structure.
16.04.550	Tavern or lounge.
16.04.560	Trailer.
16.04.570	Trailer park.
16.04.580	Yard.
16.04.590	Yard, front.
16.04.600	Yard, rear.
16.04.610	Yard, side.
16.04.620	Zoning commission.
16.04.630	Zoning map.
16.04.640	
16.04.650	
16.04.660	

16.04.010 Generally. For the purposes of this title, certain terms are defined as set forth in this chapter. All words in the present tense include the future tense; the plural includes the singular and all words in the singular,

include the plural unless the natural construction of the sentence indicates otherwise. "Shall" is always mandatory. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.020 Accessory building. "Accessory building" means a building which is subordinate to, and incidental to the principal building on the same lot, but does not include any building containing a dwelling unit as hereinafter defined. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.030 Accessory use. "Accessory use" means a use incidental and subordinate to the principal use of the premises. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.040 Agriculture. "Agriculture" means the tilling of soil, horticulture, raising crops, livestock, dairying, including all uses customarily accessory and incidental thereto; but excluding slaughter houses and commercial feed lots. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.050 Airport. "Airport" means any area of land or water which is used or intended for use by aircraft and including the necessary appurtenant structures or facilities located thereon. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.060 Animal hospital. "Animal hospital" means any building or portion thereof designed or used for the care or treatment of cats, dogs or other animals. (Ord. 223 Ch.4 §5(A) (part), 1978)

16.04.070 Apartment. "Apartment" means a room or suite of rooms in a multiple-family structure which is arranged, designed or used as single housekeeping unit and has complete kitchen and sanitary facilities permanently installed. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.080. Automobile sales lot. "Automobile sales lot" means premises on which new or used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade, and where no repair or service work is done. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.090 Automobile service station. "Automobile service station" means premises used primarily for the retail sale and delivery to the vehicle of motor vehicle fuel and of lubricating oils, tires and incidental vehicular accessories and providing vehicular lubrication and related services, including minor motor vehicle repairs. (Ord. 223 Ch. 4 §5 (A) (part), 1978)

16.04.100 Automobile wrecking yard. "Automobile wrecking yard" means any use of premises, excluding fully enclosed buildings, on which two or more motor vehicles not in operating condition are standing more than thirty days, or on which used motor vehicles, or parts thereof, are dismantled or stored. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.110 Block. "Block" means the space along one side of a street between the two nearest intersecting streets, or between an intersecting street and a right-of-way; waterway or other similar barrier, whichever is lesser. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.120 Boarding house. "Boarding house" means a building other than a hotel or restaurant where meals are provided for compensation to three or more person, but not more than twelve persons who are not members of the householder's family. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.130 Building. "Building" means any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.140 Building, detached. "Detached building" means a building surrounded by open space on the same lot. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.150 Building, nonconforming. "Nonconforming building" means any building which does not conform to the requirements of this title. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.160 Building, government. "Government building" means a building owned or used by the federal, state, county or city government, or any political subdivision, agency or instrumentality thereof. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.170 Business or commerce. "Business" or "commerce" means the purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use of offices or professions and trades rendering services. (Ord. 223 Ch. 4 §§ (A) (part), 1978)

16.04.180 City. "City" means the city of McCammon, Idaho. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.190 City clerk. "City clerk" means the city clerk of the city. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.200 Commission. "Commission" means the planning- zoning commission of the city. The planning commission is declared to also be the zoning commission of the city. Without a planning commission, the City Council will be the zoning commission of the city. (Idaho State Code Section 50-406) (Ord. 223 Ch. 4 §5(A) (part) 1978)

16.04.210 Comprehensive general plan. "Comprehensive general plan" means the comprehensive general plan for the city officially adopted by the council as such. (Ord. 223 Ch. 4 §5(A) (part) 1978)

16.04.220 Conditional use. "Conditional Use" means a use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.230 Council. "Council" means the city council of the city. (Ord. 223 Ch. 4 §5(A) (part) 1971)

16.04.240 Drive-in establishment. "Drive-in establishment" means an establishment, other than an automobile service station, which is designed to accommodate the motor vehicles of patrons in such manner as to permit the occupants of such vehicles, while remaining therein, to make purchases or receive services. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.250 Dwelling. A building, or portion thereof, containing one or more dwelling units. "Dwelling" does not include any trailer, motel, hotel, guest house or boarding house as defined in this chapter. (Ord. 223 Ch. 4 §5(A) - (part 1, 1978)

16.04.260 Dwelling, high rise multiple-family. "High rise multiple-family dwelling" means a multiple family building or portion thereof, containing five or more stories and which may include off-street parking facilities, and having at least one passenger elevator to service the dwelling units. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.270 Dwelling, multiple-family. "Multiple-family dwelling" means a building or portion thereof, containing three or more dwelling units. (ord. 223 Ch.4 §5(A) (part), 1978)

16.04.290 Dwelling, single-family. "Single-family dwelling" means a building designed for use and occupancy by no more than one family. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.290 Dwelling, two-family. "Two-family dwelling" means a detached building designed for and occupied exclusively by two families living independently of each other. (Ord. 223 ch.4 §5(A) (part), 1978)

16.04.300 Dwelling unit. "Dwelling unit" means one or more rooms designed for, or used as a residence for not more than one family, including all necessary household employees of such family, and constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. The term does not imply or include such types of occupancy as a lodging or boarding house, club, sorority, fraternity or hotel. (Ord. 223 Ch.4 §5(A) (part), 1978)

16.04.310 Floor area, gross. "Gross floor area" means the sum of the gross horizontal areas of the several floors including the exterior walls of a building or portion thereof. (Ord. 223 Ch.4 §5(A) (part), 1978)

16.04.320 Floor area, net. "Net floor area" means that portion of the gross floor areas of the building occupied by the listed use or uses and shall include hallways., storage and packaging space, dressing or rest rooms and lab- oratory or work rooms; provided, however, that floor space within the building reserved for parking or loading of vehicles, and basement space used only for building maintenance and utilities shall be excluded. (Ord. 223 Ch.4 §5(A) (part), (1978)

16.04.330 Height, building. "Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of mansard roof or the average height gable of a pitch or hip roof. (Ord. 223 Ch.4 §5(A) (part), (1978)

16.04.340 Home occupation. Any gainful occupation engaged in by an occupant of a dwelling unit including handicrafts, dressmaking, millinery, laundering, preserving, office .of a clergyman, teaching of music, dancing and other instruction when limited to attendance of one pupil at a time and other like occupancies which meet all of the following conditions:

- A. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- B. The use is conducted entirely within a dwelling and is carried on by the inhabitants thereof.

C. The use does not change the character of the dwelling or adversely affect the uses permitted in the residential district.

D. The use creates no additional .traffi0 and requires no additional parking space.

E. No persons are employed other than those necessary for domestic purposes.

F. Not more than one-fourth of the gross areas of one floor of the dwelling is used for such use.

G. The entrance to the space devoted to such use is from within the building and no internal or external alterations or construction features not customary in dwellings are involved. (Ord. 223 Ch. 4 §5 (A) (part), 1978)

16.04.350 Junk yard. "Junk yard" means an outdoor space where junk, waste, discarded or salvaged material are stored or handled, including automobile wrecking yards, and yards for used building materials and places or yards for storage of salvaged building and structural steel materials and equipment; excluding yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises. (Ord. 223 Ch.4 §5(A) (part), 1978)

16.04.360 Kennel, commercial. "Commercial kennel" means any lot or premises or portion thereof, on which three or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale. (Ord. 223 Ch.4 §5(A) (part), 1978)

16.04.370 Loading and unloading space, off-street. "Off-street loading and unloading space" means an open off- street area of land other than a street or public way, the principal use of which is for the standing, loading and un- loading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. (Ord. 223 Ch.4 §5(A) (part), 1978)

16.0:4.380 Lot. "Lot" means a unit of land described by metes and bounds or a part of a recorded subdivision so recorded for transfer of ownership. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.390 Lot, corner. "Corner lot" means a lot which is bounded on two or more sides by street lines where the angle of intersection does not exceed one hundred thirty five degrees. (Ord. 223 Ch. 4. §5 (A) (part), 1978)

16.04.400 Lot coverage. "Lot coverage" means the area of a lot occupied by the principal building or buildings and accessory buildings. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.410 Lot line. "Lot line" means the boundary property line encompassing a lot. The front lot line is the boundary line which abuts a public street. For corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line or most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side line in common with another lot. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.420 Lot width. "Lot width" means the horizontal distance between side lot lines measured at right angles to the depth at a point midway between the front and rear lot lines. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.430 Mobile home. "Mobile home" means a detached single family dwelling unit with all the following characteristics:

- A. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections for attachments or outside systems;
- B. Designed to be transported after fabrication on its own wheels or on flat bed or other trailers or detachable wheels;
- C. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to facilities and the like. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.440 Mobile home park. Any area, tract, plot or site of land, whereupon two or more mobile homes are placed, located and maintained for dwelling purposes on a permanent or semi-permanent basis and for which: a fee, rental or contract for payment for such use is collected by or collectable to the person holding the land. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.450 Motel. "Motel" means a building or group of buildings on the same premises whether detached or in connected rows, containing sleeping or dwelling units independently accessible from the outside, with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as auto courts, motor lodges, tourist courts or by another title or sign intended to identify them as providing lodging to motorists. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.460 Nonconforming use. "Nonconforming use" means any use lawfully occupying a building, structure or land at the effective date of the ordinance codified in this title; or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.470 Nursery school. "Nursery school" means an institution providing care, with or without instruction, for more than five children of preschool age. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.48.0 Nursing home, convalescent home. "Nursing home" or "convalescent home" a building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.490 Rest home, elderly housing, "Elderly housing rest home" means a convalescent home or nursing home where medical care is not administered. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.500. Parking lot. "Parking lot" means an open, graded arid surfaced area, other than street or public way, to be used for the storage, for limited periods of time, operable passenger automobiles and commercial vehicles; and available to the public, Whether for compensation, free or as an accommodation to clients or customers. (Ord. 223 Ch.4 §5(A) (part), 1978)

16.04.510 Parking space. "Parking space" means usable space within a public or private parking area or building, not less than one hundred and eighty square feet (nine feet by twenty feet), exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.520 Restaurant. "Restaurant" means any land, building or part thereof, other than a boarding house., where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunch room, tea room and dining room. (Ord. 223 Ch. 4 §5(A) (part); 1978)

1.6.04.530 Setback area. "Setback area" means the space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side or rear yard requirements of this title or by delineation on a recorded subdivision map. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.540 Sign. "Sign" is any structure or natural object, such as a tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model, banner flag, pennant; insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purpose of this definition, "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.550 Story. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.560 Street. "Street" means a public right-of way which provides vehicular and pedestrian access to adjacent properties, acceptance or grant of which has been officially approved by the council. "Street" includes also the terms highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place and other such terms. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.570 Structure. "Structure" means anything constructed or erected, except fences not exceeding four feet in height, which requires permanent location on the ground or is attached to something having location on the ground. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.580 Tavern or lounge. "Tavern or lounge" means a building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.590 Trailer. "Trailer" means any vehicle designed to be towed or transported by another vehicle. "Trailer" includes a mobile home. (See Mobile Home) (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.600 Trailer park. "Trailer park" means a mobile home park. (See Mobile home.) (Ord. 223 Ch.4 §5(A) (part), 1978

16.04.610 Yard. "Yard" means an open space on the same lot with a principle building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.620 Yard, front. "Front yard" means the yard extending across the full width of the lot adjacent to the front street line. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.0.4.630 Yard, rear. "Rear yard" means the yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.640 Yard, side. "Side yard" means the yard lying between the nearest wall of the principal building, accessory building and side lot line, and extending from the front lot line to the rear yard. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.650 Zoning commission. "Zoning commission" means the planning commission, if existing, if not, the City Council shall act as the zoning commission. (Ord. 223 Ch. 4 §5(A) (part), 1978)

16.04.660 Zoning map. "Zoning map" means the map incorporated into this title designating the use district zones. (Ord. 223 Ch. 4 §5(A) (part), 1978)

Chapter 16.08

DISTRICTS ESTABLISHED

Sections:

- 16.08.010 Use districts designated.
- 16.08.020 Boundaries determination.
- 16.08.030 Land use--Conformity required.

- 16.08.040 Buildings and structures--Conformity required.
- 16.08.050 Minimum easement requirements.

16.09.010 Use districts designated. For the purpose of promoting pride of ownership, health, safety, morals and general welfare within its area of jurisdiction, the city is divided into the following use districts:

- R-1 Single-family residential
 - R-2 Combined residential
 - C Commercial
 - M-1 Light industrial
 - A Agricultural
 - MU Mixed use
- (Ord. ~~223 Ch. 1 §1 (A)~~ , 1978)

16.08.020 Boundaries determination. The boundaries of the use districts shall be determined and defined by the adoption of a map on which are shown the boundaries of use districts so adopted for each portion of McCammon. (Ord. 223 Ch. 1 §1(B), 1978)

16.08.030 Land use--Conformity required. Land or premises shall be used, unless otherwise provided in this title, only *in* conformity with the regulations set forth *in* this title for the use districts in which such land or premises are located. (Ord. 223 Ch. 1 §1 (C), 1978)

16.08.040 Buildings and structures--Conformity required.
No building or structure shall be erected or structurally altered or used, unless otherwise provided *in* this title, except in conformity with the regulations set forth *in* this title for the use districts in which such building or structure is located. (Ord. 223 Ch. 1 §1(D), 1978)

16.08.050 Minimum easement requirements. For the purpose Of insuring orderly development and to provide adequate access for firefighting equipment and other services to all buildings; no residence or commercial building shall be erected or moved onto any lot, tract or parcel of land in any use district adopted under the provisions of this title unless the lot, tract or parcel of land has thirty feet of frontage on a public right-of-way and has reasonably efficient access thereto for vehicular traffic and has been legally subdivided; and provided further that a building permit may be issued for construction of a residence on a private easement where, in the opinion of the ~~planning commission~~ City Council, the following conditions have been reasonably met:

- A. Minimum easement width of twenty feet;
- B. Maximum easement length of four hundred feet;
- C. Minimum turn-around radius of forty feet;
- D. Maximum grade of ten percent;
- E. The easement must serve land which otherwise would have no access to a public road. (Ord. 223 Ch. 1 §1(E), 1978)

Chapter 16.12

OFFICIAL ZONING MAP

Sections:

- 16.12.010 Boundaries established.
- 16.12.020 Amendments.

16.12.010 Boundaries established. The boundaries of the use districts shall be established and clearly indicated upon the zoning map adopted as part of this title. (Ord. 223 Ch. 1 §2(A), 1978)

16.12.020 Amendments. A. All amendments of the official zoning map shall follow the procedure set out in Chapter 16.56.

B. Areas are to be classified according to the established use districts and such zoning shall give due consideration as conformity with an adopted comprehensive plan and its stated goals and objectives where these exist. (Ord. 223 Ch. 1 §2(B, C), 1978)

Chapter 16.16

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

- 16.16.010 Purpose.
- 16.16.020 Permitted uses.
- 16.16.030 Conditional uses.
- 16.16.040 Building height regulations.
- 16.16.050 Yard setback requirements. Lot
- 16.16.060 area requirements.
- 16.16.070 Accessory uses.
- 16.16.080 Off-street parking requirements.

16.16.010 Purpose. The purpose of the R-1 single-family residential zone is to preserve residential neighborhoods (to prevent overcrowding of the land and to encourage the development to low density areas which are best suited for residential purposes. (Ord. 223 Ch.1 §3(part), 1978)

16.16.020 Permitted uses. Uses permitted in the R-1

zone are as follows:

- A. One ~~S~~ single-family dwelling (not to include mobile homes);
- B. Truck gardening and other horticultural uses not operated as a commercial-enterprise;
- C. Home occupations as defined in Chapter 16.04;
- D. Accessory uses as regulated in Section 16.16.070;
- E. Temporary buildings as uses necessary for construction purposes for a period not to exceed one year;
- F. Schools;
- G. Churches;
- H. One sign not to exceed four square feet in area pertaining to the lease or sale of buildings or premises where the sign is located. This provision shall also apply to political signs during campaign periods. Signs for home occupations shall be limited to two square feet in areas, shall be unlighted and attached flush to the building;
- I. One animal unit for every one-half acre of property. An animal unit is defined as:
 1. One horse or cow, or
 2. Three sheep, or
 3. Six fowl or poultry,
 4. No swine will be permitted in this zone.
- J. One ~~four~~ mobile homes on one individual lots, providing that they satisfy the following standards and regulations:
 1. Bear the insignia of approval of the U.S. Department of Housing and Urban Development (HUD) certifying that the mobile home complies with the Federal Mobile Home Construction and Safety Standards in effect on June 1, 1999; and as subsequently amended; or the mobile home has been issued a certificate of compliance from the administrator of the Division of Building Safety of the state certifying that it has been rehabilitated and meets the rehabilitation requirements of Idaho Code Section 44-2503 in effect on June 1, 1999, and as subsequently amended,
 2. Be multi-sectional and have a floor space of at least one thousand square feet,
 3. Meet all setback requirements set forth in this chapter,
 4. Be closed perimeter foundation,
 5. Have a pitched roof, and
 6. Have an exterior siding and roofing similar in color, material and appearance to that of neighboring dwellings,
 7. Mobile homes installed and occupied before June 1, 1999 are exempt from the requirements of subsections J(1) J(2), J(4), J(S) and J(6) of this section but must meet all other relevant requirements set forth in the Municipal Code. (Ord. 406 §1, 1999; Ord. 241 §3(A), 1981; Ord. 223 Ch. 1 §3(A), 1978)
 8. No person may keep or maintain two or more mobile homes on any single lot or building site unless in an approved mobile home park.

(McCammon 7/00)

16.16.030 Conditional uses for R-1 zone. The ~~planning commission~~ City Council may, after proper notice and public hearing as prescribed in Chapter 16.60, permit the following uses where such are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

- A. Nonprofit community clubhouse;
- B. Rest and convalescent home;
- C. Building for governmental or public utility functions. (Ord. 406 §2, 1999; Ord. 241 §3(B), 1981; Ord: 223 Ch. §3(B), 1978)

16.16.040 Building height regulations. Any building or structure or portion thereof hereafter erected shall not exceed two and one half stories or twenty-five feet in height. (Ord. 223 Ch. 1 §3(C), 1978)

16.16.050 Yard setback requirements. A. Front Yard. No building or structure shall be erected nearer than thirty feet from the right-of-way line of the street; provided,

when lots comprising fifty percent or more of the frontage between two intersecting streets are already developed with buildings having front yards with a variation of not much more than twenty feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage. In no case shall a front yard of more than thirty-five feet be required.'

B. Side Yard. No building shall be erected closer than ten feet to any side property line; except corner lots shall maintain a yard adjacent to the street which intersects the street upon which the building fronts.

C. Rear Yard. There shall be a rear yard having a depth of not less than twenty feet. (Ord. 223 Ch. 1 §3(D), 1978)

16.16.060 Lot area requirements. A. The minimum lot area for each residential structure shall be nine thousand square feet and a lot width at the established building line of not less than seventy-five feet.

B. No more than thirty-five percent of the lot area may be covered by buildings or structures. (Ord.223 Ch. 1 §3(E), 1978)

16.16.070 Accessory uses. Accessory uses are permitted in constructed either at the same time or subsequent to the main building. Such uses shall be limited to one story in height and shall not encroach upon the front or side yards. (Ord. 223 Ch. 1 §3(F), 1978)

16.16.080. Off-street parking requirements. A. For each single family residence, one space as defined in Chapter 16.04, sufficient in size for a garage or carport.

B. For other uses in the R-1 zone, refer to Chapter 16.48. (Ord. 223 Ch. 1 §3 (G), 1978)

Chapter 16.20

R2 COMBINED RESIDENTIAL ZONE

Sections:

16.20.010	Purpose.
16.20.020	Permitted uses.
16.20.030	Conditional uses.
16.20.040	Building height.
16.20.050	Yard setback requirements.
16.20.060	Lot area requirements.
16.20.070	Accessory uses,

- 16.20.080 Off-street parking.
- 16.20.090 Service connections.

16.20.010 Purpose. The purpose of the R-2 combined residential zone is to provide medium density residential development, well designed and properly located in the community pattern adjacent to shopping, recreation, cultural and other community facilities. (Ord. 223 Ch. 1 §4(part), 1978)

16.20.020 Permitted uses. The uses permitted in the R-2 zone are as follows:

- A. Those uses allowed in the R-1 district as regulated therein;
- B. Two-family and multiple-family dwellings limited to not more than four units;
- C. Accessory uses as regulated in Section 16.16.070;
- D. **One mobile home on an individual lot**, providing that they satisfy the following standards and requirements:
 1. Bear the insignia of approval of the U.S. Department of Housing and Urban Development (HUD) certifying that the mobile home complies with the Federal Mobile Construction and Safety Standards in effect June 1, 1999, and as subsequently amended; or the mobile home has been issued a certificate of compliance from the administrator of the Division of Building Safety of the state certifying that it has been rehabilitated and meets the rehabilitation requirements of Idaho Code Section 44-2503, and as subsequently amended,
 2. Meet all setback requirements set forth in this chapter,
 3. Have a floor space of at least seven hundred square feet, and
 4. Be placed on foundation or skirted within thirty days of placement on the lot,
 5. Mobile homes installed and occupied before June 1, 1999 are exempt from Subsection (D) (1) of this section. (Ord. 406 §3, 1999; Ord. 241 §4(A), 1981; Ord. 223 Ch. 1 §4 (A), 1978)
 6. **No person may keep or maintain two or more mobile homes on any single lot or building site unless in an approved mobile home park.**

16.20.030 Conditional uses for R-2. The ~~planning commission~~ **City Council** may, after proper notice and public hearing as prescribed in Chapter 16.60, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The ~~commission~~ **Council** shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage.

- A. Those uses requiring conditional use permits and as regulated therein in the R-1 district;
- B. Multiple-family dwellings limited to not more than six units; and one-half stories or twenty-five feet in height (Ord. 223 Ch. 1 §4(C), 1978)

16.20.050 Yard setback requirements. A. Front Yard. No building or structure shall be erected nearer than twenty feet from the right-of-way line of the street; provided, when lots comprising fifty percent or more of the frontage between two intersecting streets are already developed with buildings having front yards with a variation of not more than fifteen feet in depth, the average of such front yard depth for the entire frontage. In no case shall a front yard of more than thirty feet be required.

B. Side Yard. No building shall be erected closer than ten feet to any side property line; except corner lots shall maintain a twenty-foot side yard adjacent to the street which intersects the street upon which the building fronts.

C. Rear Yard. There shall be a rear yard having a depth of not less than twenty feet. (Ord. 223 Ch. 1 §4(D), 1978)

16.20.060 Lot area requirements. A. The minimum lot: area for single-family and two-family dwellings: seven thousand square feet; except corner lots shall contain at least eight thousand square feet.

B. The minimum lot area for each dwelling unit above that required for two-family dwellings shall be one thousand square feet of land area for each additional unit.

C. Not more than thirty-five percent of the lot area may be covered by buildings or structures. (Ord. 223 Ch. 1 §4(E), 1978)

16.20.070 Accessory uses. Accessory uses are permitted if constructed either at the same time or subsequent to the main building. Such uses shall be limited to one story in height and shall not encroach upon the front or side yards. (Ord. 223 Ch. 1 §4(F), 1978)

16.20.080 Off-street parking. A. For up to four units on a single lot; one space for each unit as defined in Chapter 16.04; sufficient in size for a garage or carport,

B. For other uses and additional residential units in the R-2 zone, refer to Chapter 16.48. (Ord. 223 Ch.1 §4 (G) 1978)

16.20.090 Service connections. Multifamily dwelling units may have one service connection serving all units. Single-family units (including mobile homes) must have individual service connection independent of other dwelling units. Service connections include sewer and water. (Ord. 223 Ch. 1. §4 (H) 1978)

- C. Boarding and rooming house;
- D. Convalescent home; nursing home;
- E. Homes for ambulatory aged; rest home; elderly housing;
- F. Hospital;
- G. One sign not to exceed thirty-two square feet in area pertaining to the identification rent, sale or lease of the building or premises where the sign is located. Signs shall be non-revolving and indirectly lighted. Signs may be permitted to exceed this size if allowed by conditional use permit;
- H. Mobile home courts designed for permanent residency, not overnight use. (Ord. 241 §4(B), 1981; Ord. 223 Ch.1 §4(B), 1978)

16.20.040 Building height. Any building or structure or portion thereof hereafter erected shall not exceed two

Chapter 16.24C COMMERCIAL ZONE

Sections:

16.24.010	Purpose.
16.24.020	Permitted uses.
16.24.030	Conditional uses.
16.24.040	Building height.
16.24.050	Yard setback requirements.
16.24.060	Lot area requirements. Accessory uses.
16.24.070	Off-street parking.
16.24.080	

16.24.010 Purpose. The purpose of the C commercial zone is to provide distinct zones regulated to provide local commercial service needs and to restrict incompatible uses which may be better located in other districts due to size of the shopping center location within the community, residential neighborhood areas being served and other factors. (Ord. 223 Ch.1 §5(part), 1978)

16.24.020 Permitted uses. Uses permitted in the C zone are as follows:

- A. Restaurants;
- B. Clinics;
- C. Commercial and private off-street parking lot for passenger automobiles;
- D. Nursery school, school for students of art, dancing, dramatics, music, business or secretarial work;
- E. Governmental or public utility facilities of a non-industrial character;
- F. Theater, indoor;
- G. Mortuaries;
- H. Automobile service station;
- I. Boarding and rooming houses;
- J. Radio, television and FM broadcasting stations including aerials when made an integral part of a principal building;
- K. Signs including outdoor advertising, excluding animated signs which are deemed to have a deteriorating influence on surrounding properties. Signs of a questionable nature shall be. Considered by conditional use permit methods upon instigation by the planning commission City Council and as prescribed in Chapter 16.60;
- L. Accessory uses to uses allowed;
- M. Same as R-2 zone. (Ord. 241 §5(A), 1981; Ord. 233 Ch.1 §5(A), 1978)

16.24.030 Conditional uses. The ~~planning commission~~ **City Council** may, after proper notice and public hearing, as prescribed in Chapter 16.60, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The ~~commission~~ **Council** shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

- A. Bowling alley, dance hall or similar commercial establishments for public gatherings or recreational use;
- B. Automobile and truck repair shop;
- C. Auction establishment;
- D. Travel trailer park;
- E. Automobile sales lot, surfaced;
- F. Church;
- G. Club or lodge;
- H. Drive-in theater;
- I. Hospital;
- J. School;
- K. Multiple-family dwellings;
- L. Sale of heavy building materials and machinery;
- M. Storage warehouse. (Ord. 223 Ch. 1 §5(B), 1978)

16.24.040 Building height. Any building or structure or portion thereof hereafter erected shall not exceed five stories or forty five feet in height unless approved by conditional use permit. (Ord. 223 Ch. 1 §5 (C), 1978)

16.24.050 Yard setback requirements. A. No front or side yard shall be required except that when a building or group of buildings abuts upon a residential district, a yard shall be provided on the side of a lot abutting the residential district having a width of not less than ten feet.

B. There shall be a rear yard with a depth of not less than fifteen feet when abutting upon a residential zone. The rear yard may be used for off-street parking and loading. (Ord. 223 Ch. 1 §5(D), 1978)

16.24.060 Lot area requirements. There shall be no minimum lot size except residential, use shall have the same area requirements as set forth in R-2 zone. (Ord. 223 Ch.1 §5(E), 1978)

16.24.070 Accessory uses. Accessory uses are permitted if constructed either at the same time or subsequent to the main building. Such uses shall be limited to two stories in height and shall not encroach upon required setback areas. (Ord. 223 Ch. 1 §5(F), 1978)

16.24.080 Off-street parking. For up to four residential units on a single lot, one space for each unit as defined in Chapter 16.04, sufficient in size for a garage or carport.

B. For other uses and additional residential units in the C commercial zone, refer to Chapter 16.48. (Ord. 223 Ch. 1 §5 (G), 1978)

Chapter 16.28

M-1 LIGHT INDUSTRIAL ZONE

Sections:

16.28.010	Purpose.
16.28.020	Permitted uses.
16.28.030	Conditional uses.
16.28.040	Building height.
16.28.050	Yard setback requirements;
16.28.060	Lot area requirements.
16.28.070	Accessory uses.
16.28.080	Off-street parking.

16.28.010 Purpose. The M-1 district is established to provide for and encourage the grouping together of light industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them, that they will be unobtrusive and not detrimental to surrounding commercial or residential uses: (Ord. 223 Ch.1 §6(part), 1978)

16.28.020 Permitted uses. Uses permitted in the M-1 zone are as follows:

A. Those uses allowed and conditional uses permitted in the C district except multiple-family dwellings, school, churches and hospital;

B. Manufacturing, assembling, fabricating, processing, packing, repairing or storage uses which have not been declared a nuisance by statute, resolution or any court of competent jurisdiction and provided these uses shall not cause:

1. Unreasonable dust, smoke, gas, fumes, noise, vibration or odor beyond the boundaries of the site on which such use is conducted,

2. Hazard of fire, explosion or other physical damage or any adjacent building or plant growth,

3. Pollution of surface water due to manufacturing or unregulated runoff from the industrial site;

c. Wholesaling, warehousing, storage and distribution;

D. Contracting equipment, maintenance or operating equipment of public agencies or public utilities or

materials and equipment of a similar nature including lumber, coal, sand and gravel yards;

- E. Food processing;
- F. Laundry and dry cleaning of an industrial character;
- G. All agricultural uses allowed in A zone. (Ord. 223 Ch. 1 §6(A), 1978)

16.28.030 Conditional uses for M-1. The ~~planning commission~~ City Council may, after proper notice and public hearing as prescribed in Chapter 16.60, .permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare.

The ~~commission~~ Council shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

- A. Boarding kennel;
 - B. Broadcasting tower for radio or television;
 - C. Storage, for wholesale or for distribution in bulk of any flammable liquid above or below ground;
 - D. Grain elevator and bulk storage such as for potatoes, hay and other similar uses;
 - E. Sewage treatment plant and similar facilities.
- (Ord. 223 Ch. 1 §6(B), 1978)

16.28.040 Building height. Any building or structure or portions thereof hereafter erected shall not exceed five stories or forty five feet, whichever is greater unless permitted to exceed this height by a conditional use permit. (Ord. 223 Ch. 1 §6(C), 1978)

16.28.050 Yard setback requirements. A. Front yard. The front yard setback shall be a minimum of twenty feet, when a lot abuts, touches or adjoins, or is across the street from a residential district, otherwise, no front yard setback is required.

B. Side yard. The side yard shall be a minimum of twenty feet when a lot abuts, touches or adjoins a residential district, otherwise no side yard setback is required;

C. Rear Yard. The rear yard shall be a minimum of twenty feet when a lot abuts, touches or adjoins a residential district, otherwise no rear yard setback is required. (Ord. 223 Ch. 1 §6 (D), 1978)

16.28.060 Lot area requirements. There shall be no minimum lot size. (Ord. 223 Ch. 1 §6 (E), 1978)

16.28.070 Accessory Uses. Accessory uses are permitted. (Ord. 223 Ch. 1 §6(F), 1978)

16.28.080 Off-street parking. Refer to Chapter 16.48. (Ord. 223 Ch. 1 §6(G), 1978)

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Chapter 16.32

A AGRICULTURAL ZONE

Sections:

16.32.010	Purpose.
16.32.020	Permitted uses.
16.32.030	Conditional uses.
16.32.040	Building height.
16.32.050	Yard setback requirements.
16.32.060	Lot area requirements.
16.32.070	Off-street parking.
16.32.080	Floodplain.
16.32.090	Livestock.

16.32.010. Purpose. The purpose of the A agricultural zone is to set aside land to properly guide growth of the fringe areas of the community deemed to be important for the preservation of rural standards. The provisions of this section shall also to the area of city impact. All development within the area of city impact shall require a conditional use permit. (Ord. 223 Ch. 1 §7 (part); 1978)

16.32.020 Permitted uses. Uses permitted in the A zone are as follows:

- A. Agriculture (includes growing crops, providing grazing land for livestock and horses);
- B. Golf course;
- C. Single family dwelling as regulated in the R-1 zone;
- D. Accessory uses as regulated in Section 16.16.070
- E. Home occupations, as defined in Chapter 16.04. (Ord. 223 Ch.1 §7 (A) 1978)

16.32.030 Conditional uses for A zone. Conditional uses permitted with a time limit in certain cases and footage to be determined by usage:

- A. Airport;
- B. Cemetery;
- C. Commercial kennel, animal hospital;
- D. Broadcasting tower for radio or television;
- E. Mining, dredging and excavations of sand, soil gravel or other aggregate;
- F. Public utility installation;
- G. Private amusement park, ball park, race track or similar uses;
- H. Public building, school, hospital or church;
- I. Development other than agricultural, within the area of city impact. (Ord. 241 §6 part), 1981: Ord. 223. Ch. 1 §7 (B), 1978)

16.32.040 Building Height

Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories, or thirty-five feet in height unless a greater height is approved by conditional use permit.

(Ord. 223 Ch. 1 § 7(C), 1978)

16.32.050 Yard Setback Requirements

Front Yards. No building or structure shall be erected nearer than thirty feet from the right-of-way line of the street.

Side Yard. No building shall be erected closer than ten feet to any side property line; except corner lots shall maintain a twenty-foot side yard adjacent to the street which intersects the street upon which the building fronts.

Rear Yard. There shall be a rear yard having a depth of not less than twenty feet.

(Ord. 223 Ch. 1 § 7(D), 1978)

16.32.060 Lot Area Requirements

The minimum lot area shall be nine thousand square feet.

(Ord. 223 Ch. 1 § 7(E), 1978)

16.32.070 Off-Street Parking

For each single-family residence, one space as defined in Chapter 16.04, sufficient in size for a garage or carport.

For other uses in the A zone, refer to Chapter 16.48.

(Ord. 223 Ch. 1 § 7(G), 1978)

16.32.080 Floodplain

No residential structure shall be permitted within the one-hundred-year floodplain area as defined by the Federal Flood Insurance Administration.

(Ord. 223 Ch. 1 § 7(H), 1978)

16.32.090 Livestock

No swine will be permitted within the city limits.

(Ord. 241 § 6 (part), 1981)

Chapter 16.34
MIXED USE ZONE

- 16.34.010 Purpose.
- 16.34.020 Uses.
- 16.34.030 Site development standards.
- 16.34.040 Special regulations.
- 16.34.050 Hours of operation.
- 16.34.060 Businesses and uses.
- 16.34.070 Fencing.
- 16.34.080 Landscaping.
- 16.34.090 Lighting.
- 16.34.100 Noise.
- 16.34.110 Odor.
- 16.34.120 Screening.
- 16.34.130 Signage.
- 16.34.140 Access.
- 16.34.150 Design consideration.

16.34.010 Purpose. The purpose of the mixed use zone (MU) is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for commercial use opportunities while preserving the attractiveness of the area for residential use and to ensure compatibility. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating development and redevelopment to comply with established standards for compatibility and buffering as set forth in this article. It also encourages the assembly of properties in a unified plan to create a coordinated and harmonious development. This will promote outstanding design without unsightly and unsafe development. Specific measures to mitigate negative impacts of mixed use developments include standards for fencing, landscaping, lighting, noise, odor, screening, signage, vehicular access and design consideration which will be required at the time of design and site approval. (Ord. , - -2018)

16.34.020 Uses.

A. All uses in a mixed use zone shall be reviewed or considered by the city council. Uses deemed inappropriate because of being adverse or having a potential negative impact on people, uses or property in the development area shall not be allowed. Possible potential uses would include:

Accessory retail sales and services when located within a principal building.

Adult daycare centers.

Amusement enterprises (including Bowling alley, Dance studio, Gymnasium, Park and playground, Recreation facilities (private and public), Roller skating rink, Theater, Indoor movie, Performing arts production facility with live performance).

Animal service (including Doggie daycare, conducted in a completely enclosed building, Grooming for cats and dogs, Hospital, small animal only and services conducted in a completely enclosed building).

Art galleries.
 Assisted living facility.
 Bed and breakfast.
 Car wash, manual and professional.
 Child daycare/preschool centers.
 Church, place of worship.
 Cleaning (Dry cleaning/laundromat).
 Clinics (Medical and dental offices/clinics, Optometrist, optician or oculist, Physician or surgeon).
 Community gardens.
 Day spa (bath and massage establishment).
 Dwelling unit above first floor commercial or office.
 Financial institutions with or without drive-through facilities.
 Hotel/motel.
 Library.
 Multi-family dwellings (condo/townhouse).
 Museum.
 Nature preserves/conservation areas.
 Nursery school and preschool.
 Office, research related.
 Offices (Accountant, Employment agency, Government offices, Legal, Medical, Professional, Real estate agency, Travel agency).
 Parking (park and ride lots not allowed), (Off-site parking, Structure).
 Public/private utility buildings and structures.
 Public/private utility transmission wires, lines, pipes and poles.
 Reception center/wedding chapel.
 Restaurant (with or without drive-through facilities) (Cafe or cafeteria, Catering establishment, Delicatessen, Ice cream parlor).
 Retail goods establishments.
 Retail service establishments.
 Single-family attached/detached dwellings.
 Transportation terminals (bus and rail).
 Vending carts on private property. (Ord. , - -2018)

B. Not permitted in this zone would be sexually oriented business (SOB) per subsection of this code or clubs, lounges, taverns or any establishment whose primary propose is the sale of alcoholic beverage. (Ord. , - -2018)

16.34.030 Site development standards.

A. Commercial:
 Minimum lot area None
 Minimum lot width None
 Minimum yard setbacks:
 Front 50 feet, except if city council deems a different setback is necessary
 Corner side 20 feet, except if city council deems a different setback is necessary
 Interior side None, except if city council deems a reasonable setback is necessary
 Rear None, except if city council deems a reasonable setback is necessary
 Building height:
 Minimum 1 story

Maximum None, except if city council deems a height restriction is necessary

Maximum lot coverage Not over 45 percent of the lot area by buildings or accessory buildings

B. Residential:

Density No more than 13 dwelling units per acre including townhouses and condominiums

Lot area Single-family or two-family dwelling a minimum of 12,000 square feet

Other dwelling types, including townhouses and condominiums, no minimum lot area but the density requirement listed above must be adhered to in all cases

Lot width Each lot shall have a minimum width of 100 feet, which includes single-family, two-family, townhouses and condominiums

Setbacks:

Main buildings:

Front 30 feet from front property line

Side 10 feet minimum for each side except 20 feet minimum for side fronting on a street

Rear 30 feet from rear property line

Detached accessory buildings and garages:

Front 30 feet from all front lot lines

Side/rear Same as for dwelling, except when the structure is at least 10 feet behind the main building or 10 feet behind a line extending from the rear corners of the main building to the side lot lines parallel to the rear lot line(s); the side and rear setbacks may be reduced to 1 foot; provided, that the structure must be at least 20 feet from main buildings on adjacent lots; and on corner lots the minimum setback for a side facing a street is 20 feet and minimum rear setback adjacent to a side lot line is 10 feet

(Ord. , - -2018)

16.34.040 Special regulations.

A. Per the City Council discretion, at the preliminary review stage commercial and residential ratios may be imposed for the uses on the property.

B. Per the City Council discretion open space and trail connections throughout the project site may be required.

C. Approval of uses shall be reviewed and approved by the City Council prior to issuance of a business license. (Ord. , - -2018)

16.34.050 Hours of operation.

Hours of operation are to be set by the City Council after considering the impact to surrounding areas. General guidelines could include, but are not limited to, businesses not to be open before six o'clock (6:00) A.M. or after eleven o'clock (11:00) P.M. (Ord. 647, 7-19-2005)

16.34.060 Businesses and uses.

The uses in this article shall be permitted only under the following conditions: no outside storage except for two (2) business delivery

vehicles, three-quarter (3/4) ton or smaller (unless otherwise specified by the City Council). (Ord. , - -2018)

16.34.070 Fencing.

Fencing may be required per the City Council discretion for use as a buffer to adjacent properties. Fences shall be decorative, durable and of a height set forth in the site plan approval. (Ord. 647, 7-19-2005)

16.34.080 Landscaping.

All front, corner side, and rear (that abuts a public street) yards shall be maintained as landscaped yards. Twenty percent (20%) of the total site excluding parking area shall be landscaped with landscaping plans approved by the City Council.

A. Parking area landscaping shall be ten percent (10%) of the parking surface with plans approved by the City Council.

B. All landscaped areas planted with live plant material shall include an appropriate automatic irrigation system. The owner, tenant and any agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance. (Ord. 647, 7-19-2005)

16.34.090 Lighting.

Lighting shall be low intensity, shielded from uses on adjoining lots and directed away from adjacent property in a residential zone or an adjacent residential use. Lighting cannot impact residential uses. All parking luminaries except those required for security must be extinguished one hour after the end of business hours. The exception for security lighting applies to twenty five percent (25%) of the total luminaries used. A higher percentage of security lighting may be approved at the discretion of the City Council. (Ord. , - -2018)

16.34.100 Noise.

The noise level emanating from any use or operation shall not exceed the state health department standards of the area measured at the property line. (Ord. , - -2018)

16.34.110 Odor

No use shall be permitted which creates an objectionable odor in such quantity as to be readily detectable beyond the boundaries of the site. (Ord. , - -2018)

16.34.120 Screening

Screening shall be approved by the City Council to minimize noise and visibility from on-site parking areas, adjacent public streets and adjacent residentially zoned property. (Ord. , - -2018)

16.34.130 Signage

Signage shall be approved by the City Council. (Ord. , - -2018)

16.34.140 Access

The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between adjoining properties. On corner sites, access points shall be located as far from the corner as reasonably possible per discretion of the public works director from the point of intersection of the property lines. Vehicular circulation shall be designed to limit the intrusion of traffic into residential areas and minimize access on streets used by schoolchildren. (Ord. 647, 7-19-2005; amd. Ord. , - -2018)

16.34.150 Design consideration

Per the City Council discretion, the development shall provide on-site amenities and appropriate buffering to adjacent properties and uses. The scale of the development shall be in character with the surrounding land uses and the development shall have a residential character if adjacent to residential areas. Any properties currently abutting a residential street or residents shall create and maintain the residential nature. (Ord. , - -2018)

Section 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective date. This ordinance shall take effect immediately upon its adoption and posting.

PASSED, ADOPTED AND ORDERED POSTED this 5th day of December, 2018.

A handwritten signature in cursive script, reading "Karlene Hall", written over a horizontal line.

Karlene Hall, Mayor

Attest:

A handwritten signature in cursive script, reading "Sherri Bordeaux", written over a horizontal line.
Sherri Bordeaux, City Clerk