

**SUGAR CITY
ORDINANCE 346_2019**

CHANGES TO 9-3-8: DEVELOPMENT STANDARDS

AN ORDINANCE TO CHANGE THE PARAMETERS OF THE CLEAR VISION TRIANGLE IN 9-3-8 (5)(A), AND SOME MINOR CORRECTIONS TO THE FRONT YARD SETBACK REQUIREMENTS IN THE TA DISTRICT AS DISCUSSED IN 9-3-8 (7)(A).

WHEREAS, the City Council for the City of Sugar City desires to make some modifications to the parameters defining the clear vision triangle in SCC 9-3-8(5)(a), and some clarification corrections to the front yard setbacks for the TA District as discussed in SCC 9-3-8 (7)(a).

WHEREAS, the City Council for the City of Sugar City believes that these changes are in the best interest of the city.

NOW THEREFORE, be it ordained by the Council of Sugar City, in the State of Idaho, as follows:

SECTION 1: AMENDMENT "9-3-8 DEVELOPMENT STANDARDS" of the Sugar City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9-3-8 DEVELOPMENT STANDARDS

- A. Setbacks: See definition in SCC 9-2-2.
1. Setback is to the nearest structural projection of the building.
 2. Open structures such as porches, canopies, balconies, platforms, covered patios, and similar architectural projections are considered part of the building to which they are attached.
 3. For a multi-story building in an R1 district, the front setback shall be an additional five feet (5') per floor above the ground floor.
 4. When a commercial or manufacturing use abuts a residential district, its setback(s) along the abutting residential boundary (ies) shall be the same in the residential district.
 5. The clear vision triangle (see diagram at end of this section) shall be preserved.
 - a. The clear vision triangle is defined by a straight line connecting points twenty forty feet (~~20~~40') back from two adjacent roadway ~~the city's right-of-way roadway and/or railroad~~ edges where they cross each other at the intersection. Existing Trees shall be pruned so as to not obstruct the clear vision triangle, by either leaving them no higher than 36", or pruning them to be no lower than ten (10) eight (8) 8 to 10 feet in height above the existing center line road elevation, based on the current signage or lighting needs. Shrubs, hedges, fences, walls, buildings, and ground covers within the vision triangle shall not exceed thirty-six forty two inches (~~36~~42") in height at maturity.

- ~~b. Front and outer side setbacks of twenty feet (20') allow for the full triangle. When setbacks are less than twenty feet (20'), the triangle shall be preserved to the extent feasible.~~
- 6. Uniform front setbacks may be established by ordinance and an amendment to the zoning map when adjacent zoning districts are provided different front setbacks in SCC 9-3-7.
- 7. TA District setback requirements:
 - a. Front yard. No building or structure shall be erected nearer than 50 feet from the center right-of-way line of the street. Notwithstanding the setback in subsection (b)(1) of this section, if the property abuts a major or minor arterial roadway, the setback shall be no less than 60 feet.
 - b. Side yard. No building shall be erected closer than 10 feet to any side property line, except corner lots shall maintain a 50-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 25 feet.
 - d. Exceptions. Some setback exceptions exist for specific architectural features, as outlined in section 101-10.

B. Height:

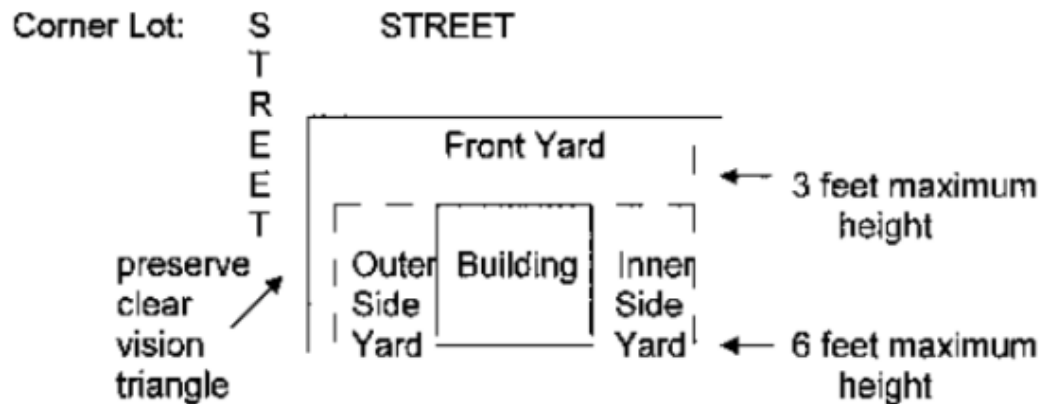
- 1. Height is the vertical distance from the average grade at the front of the structure to the highest point of the structure.
- 2. A building shall not exceed three (3) stories, except by special use permit.
- 3. Maximum height may be increased by special use permit.
- 4. There shall be no height restrictions in the TA District, except as may be imposed by state or federal regulations. Wind turbines and communication towers have specific height restrictions as outlined in chapter 109, articles III and V.

C. Lot Size:

- 1. Lot Larger Than Minimum: Lots may need to be larger than minimum to meet requirements for parking, setback, and/or open space.
- 2. Undersized Parcel: A parcel of less than the minimum width or area specified for its zoning district shall not be created and recorded unless it is zoned or rezoned open and has covenants (a written agreement) recorded providing for its maintenance.
- 3. Planned Unit Development: In a planned unit development, lot sizes may be decreased if there is an increase in open space (see SCC Title 10, "Subdivision And Platting").
- 4. Lots Not Meeting Zoning District Requirements: Any lot or parcel of land, which was of record in the Madison County recorder's office at the time its zoning district was determined but does not meet the requirements of the zoning district in which it is located for minimum lot width and/or area, may be utilized if all requirements of this title are met other than for minimum lot width and/or area.
- 5. TA District minimum lot width is 250 feet. Area/density requirements.
 - a. Agriculture owners may split off the original home site on any parcel of not less than one-acre from the rest of the farm ground for the purpose of selling the farm and retaining the home.

- b. Owner of a farm may sell off any parcel of not less than one-acre of land by attaching the deed restriction giving up the developmental rights on the balance of the 16 acres. Example: A one-acre lot would require the owner give up the development rights on the adjoining 15 acres; two-acre split would require the adjoining 14 acres be placed under a developmental restriction and so on. The parcel with the deed restriction shall state that on the deed and which parcel it is tied to. The two resulting parcels will each be counted as a parcel split. The original larger parcel can do one more such split than any further splits of the parcel will require platting. This is inclusive of the original parcel.
- D. Single-Family Dwellings, Patio Homes And Twin Homes: Except as provided in SCC Title 11 for dwellings in manufactured home parks, single-family dwellings, patio homes, and twin homes:
 - 1. Shall enclose a space of at least one thousand (1,000) square feet on the main level and have an interior width of not less than twenty feet (20') (per each dwelling unit).
 - 2. Shall be placed on an excavated and backfilled permanent foundation.
 - 3. Shall have a pitched roof with a slope of at least three to twelve (3/12) and an eave projection of at least six inches (6").
 - 4. Shall have exterior wall surfaces that are typical of residential neighborhoods, including, but not limited to, masonry, clapboard or cement simulated clapboard, vinyl or metal siding, wood shingles or shakes, or similar materials. Surfaces shall not have a high gloss finish and shall not be composed of metal or plastic panels.
- E. Manufactured Homes:
 - 1. Shall enclose a space of at least one thousand (1,000) square feet on the main level and have an interior width of at least twenty feet (20').
 - 2. When placed on an individual lot, shall meet the standards for a single-family dwelling, plus the following standards:
 - a. The home shall be of multisectional construction and constructed after 1976.
 - b. Hitch, axles, and wheels shall be removed and the foundation fascia shall be similar in appearance and durability to the masonry foundation of site built homes.
 - 3. Existing manufactured homes not meeting the above standards may be permitted in established manufactured home subdivisions or manufactured home parks.
- F. Accessory Buildings:
 - 1. Are permitted in all zoning districts;
 - 2. Shall not intrude into a front yard or front setback;
 - 3. If smaller than two hundred (200) square feet and not on a permanent foundation, may be placed adjacent to the rear property line, along an inside property line, or along the alley if on a corner lot;
 - 4. If larger than two hundred (200) square feet or on a permanent foundation:
 - a. Shall meet similar design standards as principal buildings and resemble them in exterior materials and color;
 - b. Shall observe setbacks of at least five feet (5');
 - c. Shall not occupy area greater than twenty five percent (25%) of the rear yard (accessory buildings individually or collectively); and
 - d. If openings face an alley, shall comply with county fire codes.
- G. Temporary Buildings: A temporary office or office building may be permitted as an accessory building on a construction site for up to one year. One year extensions may be granted.

- H. Commercial Abutting Residential: Where a commercial or business use abuts a lot in a residential zone, the commercial or business entity shall provide a shrubbery buffer not less than four feet (4') high and four feet (4') wide or a slightly, solid fence between five (5) and eight feet (8') high.
- I. Lots Lying In Multiple Zoning Districts: When a lot is located so that it extends into more than one zoning district, the most restrictive requirements among the zoning districts shall apply.
- J. Outdoor Storage: Machinery, inoperable vehicles, inventory materials, and unsightly items stored outdoors shall be enclosed by solid fencing or vegetation so as to be screened from view. Composition, dimensions, and extent of screening shall be as required by city council to suit the situation.
- K. Fences, Walls, And Hedges: Fences, walls, and hedges are allowed by permit in any required yard or along the edge of any yard. Except when screening commercial or business from residential (see subsections H and J of this section), maximum height shall be three feet (3') around a front yard and six feet (6') on back yards and side yards. No fence, wall, or hedge shall obstruct the clear vision triangle. No fence, wall, or hedge shall be placed in a right of way required by the city.
- L. TA District requirements for access to city streets, county roads and state highways. All access to city streets, county or state roads shall be in conformance with the Comprehensive Plan and follow all access policies and ordinances as set by the jurisdiction over the street/road/highway. Multiple accesses will be discouraged and shared access will be encouraged under these policies.
- M. TA District requirements for animal clinics and hospitals, veterinary offices, and kermels. These will be located at least 300 feet from any residence including motels and hotels, except for an owner's residence. The city may modify these requirements if the animals are housed in soundproof structures that screen them from view of the abutting residential property.



SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.


SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from September 12, 2019 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE SUGAR CITY COUNCIL SEPTEMBER 12, 2019.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Brent Barrus	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Sid Purser	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Connie Fogle	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Steve Davis	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



 Dave Ogden, Mayor, Sugar City



 Wendy McLaughlin, City Clerk Sugar City

