

City of New Meadows

# Zoning Ordinance

Adopted June 9, 2008

New Meadows City Hall  
401 Virginia  
New Meadows, Idaho 83654

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SECTION 1  
GENERAL ZONING PROVISIONS

- 1-1: Title
- 1-2: Authority
- 1-3: Standards
- 1-4: Text and Official Map
- 1-5: Severability
- 1-6: Repealer
- 1-7 Comprehensive Plan adopted
- 1-8 Area of City Impact
- 1-9 General Requirements
- 1-10 Violation and Penalty

**1-1 TITLE:** This ordinance shall be known and cited as the “New Meadows Zoning Ordinance”

**1-2 AUTHORITY:** Authority for this zoning ordinance includes, but is not limited to, Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

**1-3 STANDARDS:** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standard shall govern.

**1-4 TEXT AND OFFICIAL MAP:** This ordinance shall consist of the text thereof and that certain map or maps identified by the approving signature of the City Council and marked and designated as “Zoning Map”, which map is placed on file with the City Clerk. Said map has been examined and duly considered in detail by the City Council and adopted as part of this ordinance. Said ordinance and each and all of its terms and mapped details is to be read and interpreted in the light of the contents of said maps and in the event of conflict between the map and the text of this ordinance the text of the ordinance shall prevail.

**1-5 SEVERABILITY:** Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**1-6 REPEALER:** All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and



affect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

**1-7 COMPREHENSIVE PLAN ADOPTED:** The Mayor and City Council hereby adopt the comprehensive plan of New Meadows, dated August, 2005.

**1-8 AREA OF CITY IMPACT:**

- A. The purpose of establishing an area of city impact is to identify a logical urban fringe area adjoining the city. The urban fringe area is realizing, or will realize, development pressure that must be planned for in an orderly manner. Idaho Code section 67-6525 requires that cities and counties negotiate an area of city impact.
- B. Factors Determining Necessity of an Area of City Impact: The following factors were considered by the planning commission and the council in the establishment of an area of city impact:
  - 1. Trade area;
  - 2. Geographical factors; and
  - 3. Areas that can reasonably be expected to be annexed to the city in the future.
- C. Geographic Area Of City Impact: The officially adopted geographic area of city impact is shown on the map entitled "New Meadows Area Of City Impact Boundary Map", said map adopted by reference as if set forth at length herein.

**1-9 GENERAL REQUIREMENTS:**

- A. Land or premises shall be used, unless otherwise provided in this title, only in conformity with the regulations herein set forth for the use districts in which such land or premises are located.
- B. No building or structure shall be erected or structurally altered or used, unless otherwise provided in this title, except in conformity with the regulations herein set forth for the use districts in which such building or structure is located.

**1-10 VIOLATION AND PENALTY:**

- A. Any person violating any of the provisions of this title shall be, in addition to any and all civil penalties, deemed guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted.

B. Any person convicted of a violation of any provision of this title or any other city ordinance constituting a criminal offense may be fined in a sum not to exceed three hundred dollars (\$300.00) for any offense and such person may be confined in jail for a period of not more than six (6) months. Either or both such fine and imprisonment may be imposed, and in addition thereto, any person so convicted shall pay such costs as the court may assess.

## SECTION 2 DEFINITIONS

- 2-1: Interpretation of terms or words
- 2-2: Specific Definitions

**2-1 INTERPRETATION OF TERMS OR WORDS:** For the purpose of this ordinance certain terms or words are herewith interpreted. When not inconsistent with the content, words used in the present tense include the future tense, words in the singular number include the plural, words in the plural number include the singular; the word “persons” may include persons, association, firm, co-partnership, partnership, company, trust or corporation or any other entity capable of owning or holding any interest in real property; the word “structure” includes building; the word “used” or occupied includes the words arranged, maintained, designed or intended to be used; the word “shall” or “must” is always mandatory and not merely directive, the word “may” is permissive and the word “should” is a preferred requirement.

### **2-2 SPECIFIC DEFINITIONS:**

**ABOVE GROUND COMBUSTIBLE LIQUID TANK(S):** Any vessel containing more than 60 gallons (227L) of Class II liquids, Class III-A liquids, or Class III-B liquids as defined herein as “Combustible Liquid”; (e.g. diesel). Above ground combustible liquids do not include LPG (propane). The use of any above ground combustible liquid tank is prohibited except where listed as a conditional use. Home heating fuel for personal use is exempt from this definition.

**ABOVE GROUND COMBUSTIBLE LIQUID TANK(S):** Any vessel containing more than 60 gallons (227L) of Class I-A liquids, Class I-B liquids, or Class I-C liquids as defined herein as “Flammable Liquid”; (e.g. gasoline). Above ground combustible liquids do not include LPG (propane). The use of any above ground flammable liquid tank is prohibited except where listed as a conditional use. Home heating fuel for personal use is exempt from this definition.

**ACCESSORY BUILDING:** The term “Accessory building” shall mean a building or a structure that is subordinate to and incidental to the principle building on the same lot and serving a purpose customarily incidental to the use of the primary building, but does not include any building containing a dwelling unit as hereinafter defined. Accessory buildings are subject to required setbacks.

- a. Attached Accessory Structure is any structure which is not part of the principal structure but which is located within 3’ or attached to the principal structure.

- b. Detached Accessory Structure is any structure located more than 3' from the principal structure.

ACCESSORY USE: The term "Accessory Use" shall mean a use incidental and subordinate to the principle use of the same premises.

ADMINISTRATOR: The term "Administrator" shall mean an official of the City who is authorized by the Council to administer this ordinance.

AFFECTED PERSON(S): The term "Affected Person(s)" shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing a development.

AGRICULTURE OR AGRICULTURAL ACTIVITIES: The words "Agriculture and Agricultural Activities" shall mean tilling of soil, horticulture, raising crops, livestock, dairying, farming, animal and poultry husbandry and pasturage including all uses customarily accessory and incidental thereto; but excluding slaughter houses and commercial feed lots.

AIRPORT: The word "Airport" shall mean any area of land or water designed or used either publicly, privately or commercially by any person for all landing and taking off of aircraft including the necessary accessory structures or facilities located thereon.

ALLEY: The word "Alley" shall mean a public right-of-way not over 30 feet wide that affords, generally, a secondary means of access to abutting lots, not intended for general use.

ALTERATION: Alteration shall mean any change in size, shape, character, occupancy or use of a building or structure.

ANIMAL HOSPITAL: The term "Animal Hospital" shall mean any building or portion thereof designed or used for the care or treatment of cats, dogs, or other animals.

APPLICANT: The owner or owner's representative.

APARTMENT: The word "Apartment" shall mean a room or suit of rooms in a multiple-family structure which is arranged, designed or used as a single housekeeping unit and has complete kitchen and sanitary facilities permanently installed. As a minimum, the dwelling units shall be attached by common walls equal to 50% of the length of the longest unit in the complex.

ARTISAN SHOP: A use in a building which an artist or craftsman produces products and sells those same products to the public.

**AUTOMOTIVE REPAIR:** The term “Automotive Repair” shall mean the repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

**AUTOMOBILE SALES LOT:** The term “Automobile Sales Lots” shall mean the premises on which new or used passenger automobiles, trailers, farm implements, or trucks in operating condition are displayed in the open for sale or trade, and where no repair or service work is done.

**AUTOMOBILE SERVICE STATION:** The term “Automobile Service Station” shall mean the 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.

**AUTOMOBILE WRECKING YARD:** The term “Automobile Wrecking Yard” shall mean any use of premises, excluding fully enclosed buildings, on which two (2) or more motor vehicles not in operating condition are standing more than thirty (3) days, or on which used motor vehicles, or parts thereof, are dismantled or stored.

**BASEMENT:** Any floor level below the first story in a building provided such basement floor level is more than six (6') feet below grade for more than 50% of the perimeter.

**BASE FLOOD ELEVATION (BFE):** The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report and periodic addendums and future LOMAs, or depth of the base flood, usually in feet, above the ground surface.

**BED AND BREAKFAST:** An owner-occupied building which has no more than eight (8) sleeping rooms available for rent for short term (less than fifteen (15) days) residential occupancy, that is served through a main entrance.

**BLOCK:** The word “Block” shall mean the space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser.

**BOARDING AND ROOMING HOUSE:** The term “Boarding / Rooming House” shall mean a building other than a hotel or restaurant where meals and overnight accommodations are provided for compensation to three (3) or more persons, but not more than twelve (12) persons who are not members of the householder’s family where the proprietor resides within the building.

**BUFFER:** For the purposes of this ordinance, the term “buffer” includes, but is not limited to, a landscape strip, berming, solid fence, or solid wall designed to lessen the negative impacts one land use may have on another.

**BUILDING:** The word “Building” shall mean any structure with substantial walls and roof securely affixed to the land, mobile, or demountable 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, that is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

**BUILDING, DETACHED:** The term “Building, Detached” shall mean a building surrounded by open space on the same lot.

**BUILDING FOOTPRINT:** The area of the lot or parcel which is within the perimeter created by a vertical extension to the ground of the exterior walls of all enclosed portions of a building, including attached garages, carports, decks, bay windows, porches, solariums and similarly enclosed extensions, attachments and accessory annexes. Not included in the footprint are non-roofed or unenclosed portions or extensions of buildings, including, but not limited to, decks, porches, eaves and roof overhangs.

**BUILDING, HEIGHT:** The term “Building, Height” shall mean the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.

**BUILDING LINE:** The term “Building Line” shall mean a line established by this ordinance to govern the placement of building with respect to highways, streets and alleys. The front property line shall be the front line as shown upon official plats of the property in all subdivision platted.

**BUILDING, NONCONFORMING:** The term “Building, Nonconforming” shall mean a building or structure or portion thereof lawfully existing or being lawfully constructed at the time this ordinance becomes effective, which was designed, erected or structurally altered for a use or to dimensional standards that do not conform to the requirements for structures and/or uses as outlined by this ordinance.

**BUILDING, PUBLIC (GOVERNMENT):** The term “Public Building” shall mean a building owned or used by the Federal, State, County or City government, or any political subdivision, agency or instrumentality thereof.

**BUILDING, PRINCIPAL:** The term “Building, Principal” shall mean a building in which is conducted the main or principal use of the lot on which the said building is situated.

**BULK PLANT:** The term “Bulk Plant” shall mean an establishment where flammable liquids are received by tank, vessel, pipe lines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle or container.

**BULKY RETAIL:** Retail sales of bulky items, including but not limited to, farm equipment, manufactured homes, farm and garden supplies.

**BUSINESS OR COMMERCE:** The words “Business or Commerce” shall mean 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 enterprise or the maintenance and use of offices or professions and trades rendering services.

**CATERING SERVICES:** A facility for the preparation and storage of food and food utensils for off-premise consumption and service.

**CERTIFICATE OF OWNERSHIP:** The term “Certificate of Ownership” shall mean the certification of a reputable Title Insurance Company licensed under the laws of the State of Idaho as to the ownership of property and of any interest shown therein of record.

**CEMETERY:** The word “Cemetery” shall mean land dedicated for burial purposes, including mortuary, crematory, and mausoleum, when operated within the boundary of the cemetery.

**CHANNEL:** A natural or artificial watercourse with definite bed and banks to confine and conduct continuously flowing water, and which, in the absence of evidence to the contrary, shall be presumed to consist of the area between the boundaries of vegetation on either side of the watercourse.

**CITY:** The word “City” shall mean the City of New Meadows, Idaho.

**CITY CLERK:** The word “city clerk” shall mean the City Clerk of the City.

**CLINIC:** The word “Clinic” means a building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out-patients only.

**COMBUSTIBLE LIQUID:** A liquid having a flash point at or above 100 degrees F. Combustible liquids are subdivided as follows. The category of combustible liquids does not include compressed gases or cryogenic fluids.

Class II liquids are those having closed cup flash points at or above 100 degrees F and below 140 degrees F.

Class III-A liquids are those having closed cup flash points at or above 140 degrees F and below 200 degrees F.

Class III-B liquids are those having closed cup flash points at or above 200 degrees F.

**COMMERCIAL USE:** An occupancy of a building, structure or other property which involves any retail sale, wholesale distribution, professional office, entertainment service, recreational area, restaurant, light manufacturing or assembly work, or any combination of any of these uses with any other use. This definition shall not include residential rentals, churches, public schools, hospitals, public civic centers or public recreational facilities or other facilities owned by, or operated strictly for the benefit of the public.

**COMMISSION:** The word "Commission" shall mean the Planning and Zoning Commission of the city. The Planning Commission is declared to be also the Zoning Commission of the city. (Idaho State Code Section 50-406)

**COMPREHENSIVE PLAN:** The term "Comprehensive Plan" shall mean the Comprehensive Plan for the city officially adopted by the Council as such.

**CONDITIONAL USE:** The term "Conditional Use" shall mean 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.

**CONDOMINIUM:** Condominium means the ownership of a single unit in a multiunit project, together with an undivided interest in common in the common areas and facilities of the property.

**CONDOMINIUM PROJECT:** Condominium project means a real estate condominium project; a plan or project whereby two or more units in a single building, whether contained in existing or proposed apartments, commercial or industrial buildings, or structure or otherwise, are separately offered or proposed to be offered for sale. Condominium project shall also mean the property when the context so requires.

**CONDOMINIUM UNIT:** Condominium unit means a unit, together with the undivided interest in common areas and facilities appertaining to that unit. Any



reference in this section to a condominium unit includes both a physical unit, together with its appurtenant and undivided interest in common areas and facilities.

**CONVENIENCE STORE:** A small-scale grocery operation that may provide self-serve gasoline.

**COUNCIL:** The word “Council” shall mean the City Council of the City.

**DAY CARE BUSINESS:** The care and supervision, provided for compensation, during part of a twenty-four hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child’s own home. This term includes pre-schools, nursery schools, play schools, kinder-care and any like or similar operation.

- a. Day Care Center: A day care operation providing care for thirteen or more children.
- b. Day Care Facility: A day care operation providing care for no more than twelve children.
- c. Day Care Home: A day care operation providing care for six or fewer children at any one time, having not more than three employees, and operating between the hours of 7:00 am and 6:00 pm.
- d. Child: Any person under 12 years of age.
- e. Employee: Any person working for compensation in any day care operation.

DECIBEL: The term “Decibel” shall mean a unit of measurement of the intensity (loudness) of sound weighted to the A-scale (dBA).

DECIBEL LEVELS OF COMMON NOISE SOURCES AND PERCEPTIONS		
Decibels	Source	Perception
0	Threshold of hearing	
10	Rustle of leaves	
20	A soft whisper	
30	Inside a suburban home	
40	A quiet office	
50	Ambient noise of a normal kitchen	Interferes with sustained conversation
60	Level of ordinary conversation	Noise becomes intrusive
70	50 mph auto at 50 ft.	Difficult to talk on telephone
80	Busy city street	Noise is clearly annoying
90	Noisy kitchen	Some possibility of hearing damage if there is long exposure
100	Power lawn mower	Danger of hearing loss
110	Jack hammer; close thunder	
120	Amplified music	
130	Jet airplane at 100 ft.	
135	Threshold of pain	
Source: <u>Site Planning</u> , Kevin Lynch, pg. 413		

DECK: An unenclosed flat floored area, whether roofless or covered, whether on one level or multiple levels, adjoining or used in conjunction with a residential dwelling; including porches and patios. A fully enclosed porch is considered a room of the dwelling. A “deck” is subject to the setback requirements of this ordinance but not included in the total coverage area unless it is to be roofed or covered.

DENSITY: The term “Density” is a measurement of the number of dwelling units per acre of land.

- a) Gross density - the number of dwelling units per acre of total land to be developed including right-of-way.
- b) Net density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

**DENSITY PROVISIONS:** The term “Density Provisions” shall mean the requirements for each land use district to encourage, protect and preserve the health, safety, general welfare, and property values of the area, through standards that include yards, height, bulk, lot area, lot coverage, and occupancy limitations.

**DISTRICT OR ZONE:** The terms “District” or “Zone” shall mean a section or district of the city within which the standards governing the use of buildings and premises are uniform. These districts or zones are delineated on the Official Zoning Map of the City.

**DRIVE-IN ESTABLISHMENT:** The term “Drive-In Establishment” shall mean an establishment, other than an automobile service station, that is designed to accommodate the motor vehicles of patrons in such a manner as to permit the occupants of such vehicles, while remaining in the vehicle, to make purchases or receive services.

**DUPLEX:** The word “Duplex” shall mean a detached building designed for and occupied exclusively by two (2) families living independently of each other with the two dwelling units sharing a common wall that is a minimum of fifty percent (50%) of the depth of the building.

**DWELLING:** The term “Dwelling” shall mean a building, or a portion of a building, containing one or more dwelling units. The term dwelling does not include any trailer, motel, or boarding house as defined by the section.

**DWELLING, SINGLE-FAMILY:** The term “Dwelling, Single-Family” shall mean a detached building designed for and occupied exclusively by one (1) family. For purposes of this ordinance the classification of “Dwelling, Single-Family” shall include Group Homes, and Manufactured Homes as herein defined.

**DWELLING UNIT:** The term “Dwelling Unit” shall mean 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, bathroom facility and sleeping room permanently installed. The term does not imply or include such types of occupancy as a lodging or boarding house, club, sorority, fraternity or hotel. A dwelling unit shall contain no less than 800 square feet.

**EASEMENT:** The term “Easement” shall mean authorization by a property owner for the use by another, and for a specified purpose, on any designated part of his property.

**ERECTED:** Includes built, constructed, reconstructed, moved upon, or any other physical operations on the premises required for building or development.

Excavations, fill, drainage and like operations shall be considered a part of erection.

FAMILY: The term "Family" shall mean a person living alone, or two or more persons customarily living together as a single household or housekeeping unit and using common cooking, bathroom and sleeping facilities.

FENCE: A natural or artificial barrier intended to be an enclosure or to delineate a boundary between properties.

FLAMMABLE LIQUID: A liquid having a closed cup flash point below 100 degrees F. The category of flammable liquids does not include compressed or cryogenic fluids. Flammable liquids are further categorized into a group known as Class I liquids. The Class I category is subdivided as follows:

Class I-A liquids include those having a flash point below 73 degrees F. and having a boiling point below 100 degrees F.

Class I-B liquids include those having a flash point below 73 degrees F. and having a boiling point at or above 100 degrees F.

Class I-C liquids include those having a flash point at or above 73 degrees F.

FLOOD: The temporary condition of partial or complete inundation of normally dry lands from the overflow of inland waters and or the unusual and rapid accumulation of runoff and surface water from any source.

FLOOD PLAIN: The term "Flood Plain" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

- a. One Hundred (100) Year Flood: Flood probability having an indicated average frequency of occurrence once in one hundred years, although the flood may occur in any year, as provided by the Federal Emergency Management Administration.
- b. One Hundred (100) Year Elevation: The maximum high water elevation of the one hundred (100) year flood at any given point of the floodplain, as provided by the Federal Emergency Management Administration.

FLOODPLAIN: That portion of the flood hazard area that includes the channel and the portion of the adjacent area which conveys the major portion of the flow for the one hundred (100) year flood, as indicated by the Federal Emergency Management Administration.

**FLOOR AREA, GROSS:** The term “Floor Area, Gross” shall mean the sum of the gross horizontal areas of the several floors including the exterior walls of a building or portion thereof.

**FLOOR AREA, NET:** The term “Floor Area, Net” shall mean that portion of the gross floor area of the building occupied by the listed use or uses and shall include hallways, storage and packaging space, dressing or rest rooms and laboratory 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.

**FRONTAGE:** The term “Frontage” shall mean the portion of a lot, site, tract or parcel of land adjoining a public or private right-of-way and measured as a length along said road.

**GARAGE:** A building or portion thereof in which a motor vehicle containing flammable or combustible liquid or gas in its tank is or intended to be stored, repaired or kept.

**GROUP HOME:** The term “Group Home” shall mean, in accordance with Section 67-6530-32 of Idaho Code, a home established for the care of eight (8) or less mentally retarded or elderly persons.

**HEIGHT; FENCE:** The vertical distance measured from the existing grade, prior to construction, to the top of the fence. The average height of the fence along any unbroken run may be used provided the height at any point is not more than 10% greater than that permitted by this ordinance.

**HEIGHT; BUILDINGS:** The greatest vertical distance measured from the lowest point of record grade within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples and spires.

**HOME OCCUPATION:** The term “Home Occupation” shall mean any gainful occupation conducted entirely within a dwelling which is incidental and secondary to the residential use and does not negatively impact the neighborhood. The occupation engaged in by an occupant of a dwelling unit may include, but not limited to, handicrafts, dressmaking, millinery, laundering, preserving, office of clergyman, teaching of music, dancing and other instruction when limited to attendance of one pupil at a time and other like occupancies that meet the condition specified by Section 15-8 of this Ordinance.

**HOSPITAL:** The term “Hospital” shall mean an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by the State of Idaho to

provide facilities and services in surgery, obstetrics, and general medical practices.

**HOTEL:** The word “Hotel” shall mean a building in which short-term lodging is provided and offered to the public for compensation and which is open to transient guests. Access to all sleeping rooms is through a main entrance and food and entertainment may be available.

**HYBRID PRODUCTION FACILITY:** A use in a building over three thousand (3,000) square feet wherein finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale and scope of operation with adjacent or nearby uses.

**INDIRECT ILLUMINATION:** The source of light is separate from the object being lit.

**JUNK:** The word “Junk” shall mean old iron, chain, brass, copper, tin, lead, or other base metals, old rope, old bags, rags, waste paper, paper clippings, scraps of cloth, rubber, glass, empty bottles, and all articles discarded and no longer used as a manufactured article composed of one or more of said materials.

**JUNK YARD:** The term “Junk Yard” shall mean an outdoor space where junk, waste, discarded or salvaged materials 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 said 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.

**KENNEL, COMMERCIAL:** The term “Kennel, Commercial” shall mean a kennel where the owner or keeper of more than three (3) dogs sells, boards, breeds, trains, treats or handles dogs for monetary consideration, provided however any clinic or veterinarian operation licensed under state law shall not be considered a commercial kennel.

**KITCHEN:** A room or area for the storage, preparation and cooking of food.

**LIGHT MANUFACTURING:** The warehousing, manufacturing, and/or processing of goods and materials which do not emit odor, dust, smoke, glare, gas, light, noise or vibration which cannot be confined to the site itself. Wholesaling is permitted as a light industrial use only if the items are manufactured on-site and are not for sale as retail merchandise to the general public.

**LIQUEFIED PETROLEUM GAS (LP-gas):** A material which is composed predominantly of the following hydrocarbons or mixtures of them; propane, propylene, butane (normal butane or isobutene) and butylenes.

**LOADING AND UNLOADING SPACE, OFF-STREET:** The term “Loading and Unloading Space, Off-Street” shall mean 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 unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

**LOT:** Plot, parcel, or tract of land with fixed boundaries of sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an approved private street and may consist of a single lot of record or a combination of completed lots of record or portions of lots of record.

**LOT AREA:** The term “Lot, Area” shall mean the area of a lot as computed exclusive of any portion of the public right-of-way.

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

**LOT COVERAGE:** The term “Lot Coverage” shall mean the area of a lot occupied by the principal building or buildings and all accessory buildings.

**LOT, DEPTH:** The term “Lot, Depth” shall mean the horizontal distance between the front and rear lot lines.

**LOT LINE:** The term “Lot Line” shall mean the boundary property line encompassing a lot. The front lot line is the boundary line which abuts a public street. For a corner lot, the owner may select either street line as the front lot line by placement of the front or primary entrance to the building. The rear lot line is the lot line 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.

LOT, TYPES: The term “Lot, Types” shall mean the terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows:

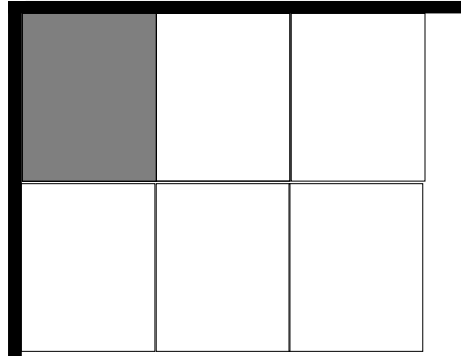
- a) Corner lot - a lot located at the intersection of two (2) or more streets;
  - b) Interior lot - a lot with only one (1) frontage on a street; and
- Through lot - a lot other than a corner lot with frontage on more than (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots; and
- c) Reversed Frontage lot - a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT, WIDTH: The term “Lot, Width” shall mean 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.

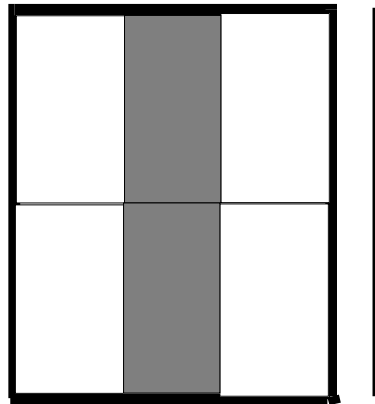
LOWEST FLOOR: The lowest floor, including the infrastructure attached underneath the floor, of the lowest area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Flood Hazard Overlay.

MAJOR ADDITION: Any extension or addition having a floor area of two hundred (200) square feet or greater, to an existing building.

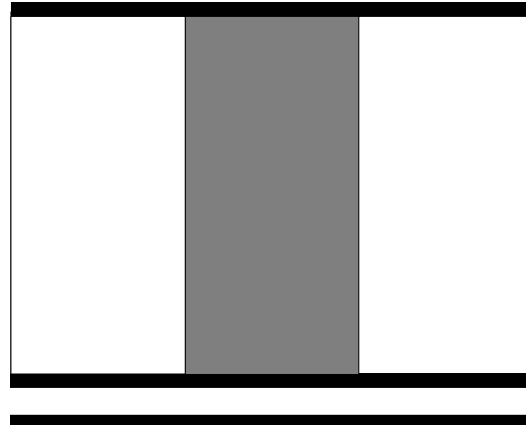
Corner Lot



Interior Lot



Through Lot



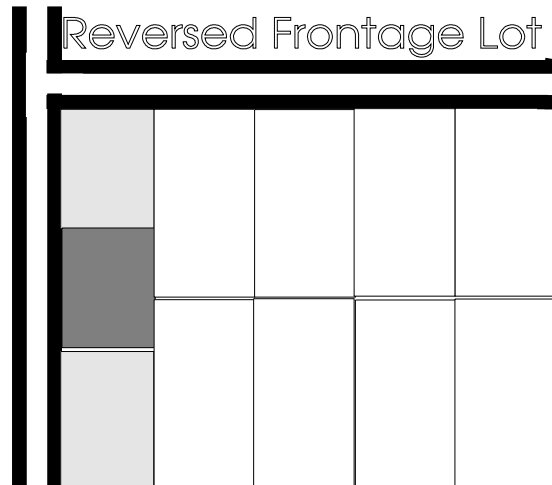


**MANUFACTURED HOME:** The term “Manufactured Home” shall mean a detached single-family dwelling unit that has each of the following characteristics:

- A) The dwelling unit is multi-sectional and encloses a space of not less than one thousand (1,000) square feet;
- B) The dwelling unit has a pitched roof of a minimum slope of two (2) feet in height for each twelve (12) feet in width.
- C) The dwelling unit is placed upon an excavated and backfilled foundation and enclosed at the perimeter such that the home is not located more than twelve (12) inches above grade.

**MOBILE HOME:** The term “Mobile Home” shall mean 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 to 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.
- D) Does not meet the definition of a manufactured home in Section 2.
- E) Pre - 1976 Mobile homes that do not meet HUD/FHA construction standards must comply with State of Idaho improvement regulations before entering the city limits of New Meadows for placement and use.



**MEAN HIGH WATER MARK:** The mark on all watercourses, where the presence and action of waters is so common and continued in all ordinary years as to mark upon the soil a character distinct from that of abutting upland, in respect to vegetation and destroy its value for agricultural purposes. In areas where riprap bank stabilization has occurred, the measurement shall begin on the landward side of such stabilization work.

**MOBILE HOME PARK:** The term “Mobile Home Park” shall mean a parcel of land under single ownership which is utilized for the placement of two or more mobile homes or manufactured homes for dwelling or sleeping purposes.

**MODULAR HOME:** The term “Modular Home” shall mean any factory -built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

**MOTEL:** The word “Motel” shall mean 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 lodge, tourist courts or by any other title or sign intended to identify them as providing short-term lodging to motorists.

**MULTI-FAMILY DWELLING:** A building containing two (2) or more dwelling units, including duplexes, tri-plexes, apartments, townhouses and condominiums.

**MUNICIPAL USE:** Uses for a public purpose by a governing agency.

**NET AREA:** The term “Net Area” shall mean the total usable area exclusive of space dedicated to such things as streets and easements.

**NONCONFORMING LOT:** The term “Nonconforming Lot” shall mean a lot of record which lawfully existed at the effective date of the provisions of this ordinance, but which, because of the application of this ordinance to it, no longer conforms to lot area or width requirements prescribed in this ordinance for the district in which it is situated.

**NONCONFORMING USE:** The term “Nonconforming Use” shall mean any use lawfully occupying a building, structure or land at the effective date of this Title, or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located.

**NURSING HOME, CONVALESCENT HOME:** The terms “Nursing Home, Convalescent Home” shall mean 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 (2) or more individuals suffering from illness, disease, injury, deformity, or requiring care because of old age.

**OFF-STREET PARKING:** The term “Off-Street Parking” shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room; but, shall be located totally outside of any street or alley right-of-way.

**OPEN SPACE:** The term “Open Space” shall mean any open area free from structures, including but not limited to parks, yards, playgrounds, beaches, waterways, and streets.

**OUTDOOR ADVERTISING DISPLAY:** The term “OUTDOOR ADVERTISING DISPLAY” shall mean a free standing structure of any kind or character erected or maintained for directing attention, or for outdoor advertising purpose which exceed two hundred fifty-six (256) square feet of gross sign area.

**OUTDOOR LIGHT FIXTURES:** The term “Outdoor Light Fixtures” shall include but is not limited to lighting for billboards, street lights, shopping center parking area lights, externally or internally illuminated on-site business advertising signs and area-type lighting.

**OUTPATIENT ANIMAL SERVICES:** The examination, care, treatment and grooming of domestic animals, excluding livestock, within an outpatient facility, but does not include a purpose other than specified.

**PARKING LOT:** The term “Parking Lot” shall mean an open, graded and surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

**PARKING SPACE:** The term “ Parking Space” shall mean usable space within a public or private parking area or a building, exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle. A standard space shall be a minimum of one hundred and eighty square feet (180 sq. ft.) or nine (9) feet by twenty (20) feet and a compact space shall be a minimum of one hundred twenty-eight (128) feet or (8) feet by sixteen (16) feet. Compact parking spaces shall use no more than twenty-five (25%) percent of the total useable parking space within the public or private parking area or building.

**PERSONAL SERVICE:** Any enterprise conducted for pecuniary gain which offers services to the general public such as but not limited to shoe repair, watch repair, barber shops, beauty parlors, fitness and wellness facilities and similar activities.

**PERSONAL WIRELESS SERVICE FACILITY (PWSF):** A facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter and a mount.

**PERSONAL WIRELESS SERVICES:** Any personal wireless service defined in the Federal Communications Act which includes Federal Communications

Commission (FCC) licensed commercial wireless telecommunications services. They include with limitation, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (EMSR), paging as well as unlicensed wire services and common carrier wireless exchange access services.

**PLANNED UNIT DEVELOPMENT:** A project controlled by one (1) owner, partnership, or corporation, and characterized by an integrated site design for development of residential, commercial or industrial uses, or combination of such uses, in which one or more of the regulations of the district is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in the Planned Unit Development Ordinance. A planned unit development may contain the development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and aesthetics and / or the conversion of development of desirable amenities not possible by typical development standards and / or the creation of areas for multiple use that are of benefit to the neighborhood.

**PLAT:** The term “Plat” shall mean a map or representation of a parcel, subdivision or division of land into lots, blocks, and roads to be filed as a public document.

**PRINCIPAL USE:** The term “Principal Use” shall mean the specific purpose for which a lot is arranged, intended, designed, occupied or maintained.

**PROFESSIONAL OFFICE:** An office for the conduct of the following types of uses; accountant, architect, attorney, chiropractor, optometrist, engineer, surveyor, drafting service, designer, dentist, surgeon, and other similar activities.

**PUBLIC NUISANCE:** The term “Public Nuisance” shall mean any violation of the provisions of the ordinance. Any violation of this Ordinance shall be subject to prevention or abatement in an action at equity to the same extent as are other public nuisances.

**PUBLIC SERVICE FACILITY:** A facility established for the protection and service to the welfare of the surrounding neighborhood including, but not limited to, police station, fire station, ambulance center or city administrative services.

**PUBLIC USE:** Use for a public purpose by a city, school district, county, state or any other public agency or public entity.

**PUBLIC UTILITY FACILITY:** The term “PUBLIC UTILITY FACILITY” shall mean a public utility facility involving construction of facilities of a complex nature, including, but not limited to station houses or grounds, pumping stations, power

substations, dam structures, telephone transmission stations, sewage disposal or storage stations, railroad transportation lines or spurs, railroad classification yards, high voltage or high pressure transmission lines, or structure principally used in interstate transmission of electricity, natural gas, or fuel.

**RECORD GRADE:** The natural grade existing prior to any site preparation, grading or filling unless a new record grade is approved at the time of subdivision approval and noted on the filed final plat.

**RECREATIONAL VEHICLE:** See "Travel Trailer."

**RESEARCH AND DEVELOPMENT:** Specialized non-polluting activities with emphasis on investigation, experimentation, testing, engineering, inventing and conceptually designing prototypes and new technologies or associated light manufacturing. These technologies may include electronics, computer and data systems, medical and precision instruments, machine components, communications systems and equipment and other technological instruments, equipment and systems.

**RESTAURANT:** The word "Restaurant" shall mean any ~~land~~, building or part thereof, other than a boarding house or bed and breakfast, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunch room, tea room and dining room.

**REST HOME, ELDERLY HOUSING:** The Terms "Rest Home, Elderly Housing" shall mean rest homes and elderly housing complexes where medical care is not administered.

**RETAIL:** The word "Retail" shall mean the selling of goods to ultimate consumers for personal or household consumption.

**RIGHT-OF-WAY, PRIVATE:** The term "Right-of-way, Private" shall mean every way, lane, road, street and every way or place, not including private driveways serving only the owner of the property where situated, which is in private ownership inside the limits of incorporated city, and is used, or subject to being used, for travel by the owner or owners or those persons having express or implied permission from the owner or owners, but not by other persons.

**RIGHT-OF-WAY, PUBLIC:** The term "Right-of-Way, Public" shall mean every way, lane, road, street, boulevard and every way or place in the city open or subject to being open, as a matter of right to public vehicular travel inside the limits of incorporated city.

**RIPARIAN SETBACKS:** The distance measured at right angles from the mean high water mark of a waterway between the mean high water mark and an imaginary line parallel to the mean high water mark, defining an area between

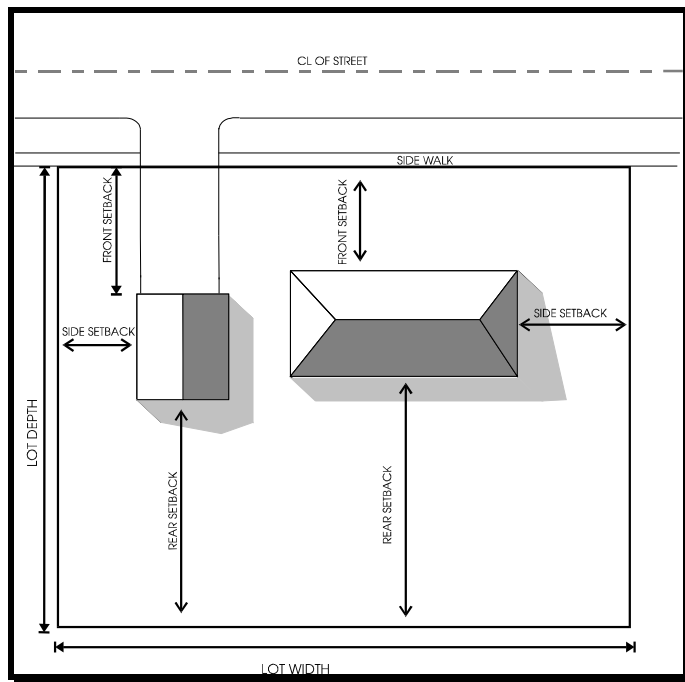
such lines within which no building or other applicable structure may be placed, and whereby any existing vegetation shall remain undisturbed.

**SCHOOL, ACADEMIC:** The term “School, Academic” shall mean an accredited school specializing in the instruction of students in Kindergarten through 12th grade.

**SCHOOL:** The term “School” shall mean an organization specializing in the instruction of students.

**SERVICE STATION:** The term “Service Station” shall mean a place providing maintenance service, parts, and supplies for mechanical equipment and vehicles, and selling gasoline, diesel, oil and other supplies for motor vehicles including propane gas sales for retail only and not for wholesale.

**SETBACK AREA:** The term “Setback Area” shall mean the space between the property lot line and a building roof’s vertical drip line 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.



**SHORT TERM OCCUPANCY:** The rental or use of any unity of structure, or portion thereof, for a period of not more than thirty (30) days.

**SIDEWALKS:** Sidewalks shall be constructed of concrete with the proper base to ensure long life under severe temperature fluctuations and exposure to salt as specified in the latest edition of the Idaho Standards for Public Works Construction book of standards.

**SIGHT-OBSCURING:** The term “Sight-Obscuring” shall mean a year-around screen that blocks at least seventy-five (75) percent of the visibility between abutting structures or uses.

**SIGN:** The word “Sign” shall mean 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, the word “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.

**SINGLE FAMILY DWELLING:** A detached building, including attached or detached carports and garages, containing living facilities including provisions for sleeping, eating, cooking and sanitation activities for not more than one (1) family.

**SOLAR ENERGY SYSTEMS:** Any devices, structures or mechanisms which use solar radiation as an energy source for heating, cooling or electrical energy.

- a. Active: An indirect thermal system in which solar heat is collected and stored in devices separated from the building space to be conditioned using conventional energy systems (fans, pumps, etc.)
- b. Passive: The collection and storage of solar radiation for heating or cooling by non-mechanical means.
- c. A system that employs aspects of both active and passive designs.

**SPECIALIZED MOBILE RADIO (SMR):** A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

**STORY:** The word “Story” shall mean 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 elevation directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

**STREAM ALTERATION:** To obstruct, diminish, destroy, alter, modify, relocate or change the existing shape of the natural channel within or below the mean high water mark. It includes removal of material or structures in the stream channel.

**STREET:** The term “Street” shall mean 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. The term “Street” includes the terms highway, thoroughfare, road, avenue, boulevard, lane, place and other such terms.

**STRUCTURE:** The word “Structure” shall mean anything constructed or erected, which requires permanent location on the ground or is attached to something having location on the ground.

**SUBDIVISION:** The term “Subdivision” shall mean the division of land into lots, parcels, tracts, or sites for purposes of sale or lease whether immediate or future, and shall include a re-division of land or future divisions.

**TANK:** A vessel capable of containing more than 60 gallons.

**TAVERN OR LOUNGE:** The word “Tavern” or “Lounge” shall mean a building where alcoholic beverages are sold for consumption on the premises not including restaurants where the principle business is serving food.

**TOWNHOUSE DEVELOPMENT:** A planned project of two or more townhouse units constructed as a single building containing two or more townhouse units. Each unit within the development shall be separated from the adjoining unit or units by fire walls as required by the International Building Code as amended, each unit having its own access to the outside and no unit located over another unit in part or whole. All townhouse developments shall be platted under the procedures as contained in the subdivision section of New Meadows.

**TOWNHOUSE SUBLLOT:** The lot resulting from platting a residential townhouse development.

**TOWNHOUSE UNIT:** One or more rooms, including a minimum of one bathroom, a single kitchen and sleeping facilities, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse sub lot and meeting the efficiency dwelling unit standards established in the International Building Code, as amended.

**TRAILER:** The word “Trailer” shall mean any vehicle designed to be towed or transported by another vehicle. The term “trailer” does not include mobile homes that exceed ten (10) feet by fifty (50) feet (10'x50').

**TRAILER PARK:** The term “Trailer Park” shall mean a mobile home park (see mobile home park).

**TRAVEL TRAILER:** A vehicle or structure constructed with or without wheels for use on the public highways, which has sleeping, cooking and plumbing facilities, is intended for human occupancy, and is being used for recreational purposes. The term “travel trailer” does not apply to any prefabricated section of a factory-built house to which wheels may be attached for the purpose of moving it to a permanent location where it becomes affixed to real property.



**USABLE OPEN SPACE:** An area not encumbered with any roadway, parking area, easement or substantial structure maintained for either informal or structured recreational uses.

**USE:** The word “Use” shall mean an activity or purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is occupied or maintained, let or leased. Uses include but are not limited to residential, commercial, industrial and agricultural.

**VARIANCE:** The word “Variance” shall mean a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. A variance shall not include a modification of allowed uses.

**VICINITY:** The term “Vicinity” shall mean the area surrounding a use in which such use produces a discernible influence by aesthetic appearance, traffic, noise, glare, smoke, or similar influences.

**WIDTH:** The word “Width” shall mean the measurement taken at right angles to the length which is longer or longest dimension.

**WIRELESS COMMUNICATIONS FACILITY (WCF):** Those facilities that are non-personal wireless service facilities (PWSFs), by definition of the Telecommunications Act of 1996, but that are also subject to Article XX due to their height above ground level. Any antenna, including mount and/or equipment support structure over thirty-five (35) feet above ground level that is not a PWSF shall be considered a WCF and regulated by this Article.

**WRECKING YARD:** See Automobile Wrecking Yard.

**YARD:** The word “Yard” shall mean an open space on the same lot with a principal 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.

**YARD, FRONT:** The term “Yard, Front” shall mean the yard extending across the full width of the lot adjacent to the front street line.

**YARD, REAR:** The term “Yard, Rear” shall mean 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.

**YARD, SIDE:** The term “Yard, Side” shall mean the yard lying between the nearest wall of the principal building, accessory building and side lot line, and extending from the front yard or the front lot line to the rear yard.

**ZONING:** The word “Zoning” shall mean the regulation of the use of private lands, or the manner of construction related thereto in the interest of achieving a comprehensive plan of development. Such regulation shall also govern those public, quasi-public, and semi-public land uses and buildings which provide for the proprietary type service for the community’s benefit as contrasted with governmental activities. Governmental activities are encouraged to cooperate under these regulations to secure harmonious development.

**ZONING COMMISSION:** The term “Zoning Commission” shall mean the Planning and Zoning Commission (See Commission).

SECTION 3  
DISTRICT ESTABLISHMENT

- 3-1: District Classifications
- 3-2: District Boundaries
- 3-3: Divided Ownership

**3-1 DISTRICT CLASSIFICATIONS:** To effectuate the comprehensive plan adopted by the City in the promotion of the health, safety, and general welfare within its area of jurisdiction, lands within the incorporated boundaries of the City and its area of impact which are hereby classified into the following categories and are further described in subsequent sections and so indicated on the Zoning Map.

- A. Agricultural (A)
- B. Residential
  - 1. R-1 Residential
  - 2. R-2 Medium Density Residential
  - 3. R-3 High Density Residential
- C. Commercial
  - 1. C General Commercial District
  - 2. CBD Central Business District
  - 3. BRD Business / Residential District
- D. Industrial District (I)

**3-2 DISTRICT BOUNDARIES:** The boundaries of the various districts shown on the Zoning Map are unless otherwise indicated, streets, alleys, lot lines, or other lines of demarcation as shown on said map. Where a street layout property line or other boundary on the ground varies from that shown on the Zoning Map, and where property or other boundary lines do not exist or are not shown on the zoning map, the designations shown on the map shall be applied by the Planning and Zoning Commission by map scale or other method so as to carry out the intent and purpose of the Zoning Map for that district.

**3-3 DIVIDED OWNERSHIP:** Where a district boundary line, as shown on the Zoning Map, divides a lot or other unit of property in a single ownership at the time of passage of this ordinance, the use permitted on the least restricted portion of such lot may extend to the portion lying the more restrictive district a distance of not more than fifty (50) feet beyond the district boundary line.

SECTION 4  
"A" AGRICULTURAL DISTRICT

SECTION:

- 4-1: Purpose
- 4-2: Restrictions
- 4-3: Area Requirements
- 4-4: Uses Permitted - Property of 1 Acre with Vehicular Access
- 4-5: Uses Permitted - Property of 1 Acre with Public Street Access
- 4-6: Uses Prohibited
- 4-7: Setback Requirements
- 4-8: Accessory Uses
- 4-9: Building Height
- 4-10: Conditional Uses

**4-1 PURPOSE:** The purpose of the "A" Agricultural Zone is to set aside land to guide development at the community borders. These borders are deemed important for preservation at rural standards. Such areas may be considered to be in transition from rural agricultural activities to more concentrated development.

**4-2 RESTRICTIONS:** In the "A" Agricultural District, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided by this ordinance) except for one or more of the following uses in accordance with the following standards.

**4-3 AREA REQUIREMENTS:** The following site area requirements apply to the "A" Agricultural District, except that where a lot has less area or frontage than required in this section as shown by an official plat on file in the Office of the County Clerk or shown by the last conveyance of record at the time of the passage of this Ordinance; these regulations shall not prohibit one private dwelling and its accessory buildings on such lot, subject to the setback requirements for this zoning district.

**4-4 USES PERMITTED - PROPERTY OF 1 ACRE OR GREATER WITH VEHICULAR ACCESS:** On property of not less than 1 acre in size with a minimum lot width of ninety (90) feet and vehicular access the following uses are permitted:

A. Agricultural Activities

**4-5 USES PERMITTED - PROPERTY OF ONE (1) ACRE OR GREATER AND A MINIMUM NINETY (90) FEET OF CONTINUOUS FRONTAGE ON A PUBLIC STREET:** On property not less than one (1) acre in size with a

minimum width of ninety (90) feet and a minimum ninety (90) feet of continuous frontage on a public street the following uses are permitted:

- A. Agricultural activities;
- B. One (1) single-family dwelling with the usual accessory buildings;
- C. Home occupation as defined in SECTION 15-8;
- D. Cemetery; provided it meets all standards of Idaho Code and is approved by the Central Health District and the New Meadows City Engineer.
- E. Bed and Breakfast:
  - 1. Maximum of five (5) rooms for lodging of paying guests;
  - 2. Must provide one (1) off-street parking space for each guest room as well as all vehicles owned by permanent residents;
  - 3. Rooms cannot be added for the sole purpose of use as a bed and breakfast facility;
  - 4. Sign shall be limited to four (4) square feet;
  - 5. May provide meals to lodging guests only.
  - 6. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.

**4-6 USES PROHIBITED:**

- A. Platted subdivisions as defined by New Meadows Subdivision Ordinance;
- B. General commercial uses, except those specifically permitted in this zone;
- C. General manufacturing uses, except those specifically permitted in this zone.

**4-7 SETBACK REQUIREMENTS:**

- A. FRONT YARD: No building or structure shall be erected nearer than forty-five (45) feet from the right-of-way line of the street.
- B. SIDE YARD: No building shall be erected closer than thirty-five (35) feet from any side property line; except corner lots shall maintain a forty-five (45) 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 forty-five (45) feet.

**4-8 ACCESSORY USES:** Accessory uses are permitted if constructed either at the same time or subsequent to the primary approved building. Such uses shall be limited to two and one-half (2-1/2) stories in height, not to exceed thirty-five (35) feet.

**4-9 BUILDING HEIGHT:** No building within the “A” District shall be constructed greater than a height of two and one-half (2-1/2) stories, not to exceed thirty-five (35) feet.

**4-10 CONDITIONAL USES:** The following uses may be considered by the Planning Commission in accordance with Section 13.

- A. Airport;
- B. Commercial boarding kennel;
- C. Communication tower;
- D. Golf course and driving range;
- E. Grain elevator and bulk storage such as for potatoes, hay, and other similar uses;
- F. Land application of treated wastewater;
- G. Mining, dredging and excavation of sand, dirt, gravel, or other aggregate;
- H. Private amusement park, ball park, race track, or similar uses;
- I. Public or private school;
- J. Public utility facility;
- K. Sewage treatment facilities.

SECTION 5  
"R-1" RESIDENTIAL DISTRICT

SECTION:

- 5-1: Purpose
- 5-2: Restrictions
- 5-3: Area Requirements
- 5-4: Uses Permitted
- 5-5: Setback Requirements
- 5-6: Accessory Uses
- 5-7: Building Height
- 5-8: Conditional Uses

**5-1 PURPOSE:** The purpose of the R-1 Residential District is to set aside land in accordance with the comprehensive plan to preserve and enhance predominantly larger, estate type residential neighborhoods with very low density to prevent overcrowding, to provide open space and to encourage the development of low density areas that are best suited for residential purposes.

**5-2 RESTRICTIONS:** In the R-1 Residential District, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided by this ordinance) except for one or more of the following uses in accordance with the following standards.

**5-3 AREA REQUIREMENTS:** The following site area requirements apply to the R-1 Residential District, except that where a lot has less area or frontage than required in this section as shown by an official plat on file in the Office of the County Clerk or shown by the last conveyance of record at the time of the passage of this Ordinance; these regulations shall not prohibit one private dwelling and its accessory buildings on such lot, subject to the setback requirements for this zoning district.

A. The footprint of the primary structure, plus the accessory buildings, shall have a maximum lot coverage of no more than thirty-three (33%) percent.

B. A minimum of two (2) off-street parking spaces per dwelling unit is required. Lots abutting Arterial or Collector streets shall have alleys to provide off-street parking access from the alley to the rear of the lot. Parking of vehicles, RV's, boats, trailers and other recreational items in the front, rear and side setback areas is prohibited.

C. A five foot (5') wide sidewalk shall be required at the edge of the street right of way abutting each lot. The lot owner/renter shall be responsible for keeping the sidewalk clear and open for pedestrian traffic and for the maintenance, upkeep and reconstruction of said sidewalk.

**5-4 USES PERMITTED - PROPERTY OF 9,000 SQUARE FEET OR GREATER WITH A MINIMUM LOT WIDTH OF 75 FEET:** On property of not less than nine thousand (9,000) square feet with a minimum lot width of seventy-five (75) feet frontage on a public street, the following uses are permitted:

- A. One (1) single-family dwelling with the usual accessory buildings;
- B. Home occupations subject to the regulation outlined in SECTION 15-8.
- C. Temporary buildings and temporary uses necessary for construction purposes for a period not to exceed one (1) year;
- D. Public or private academic schools;
- E. Nonprofit parks, playgrounds, and recreational facilities;

**5-5 SETBACK REQUIREMENTS:**

- A. FRONT YARD: No building or structure shall be erected nearer than twenty (20) feet from the right-of-way line of the street.
- B. SIDE YARD: No building shall be erected closer than ~~eight (8)~~ ten (10) feet from any side property line; except corner lots shall maintain a twenty (20) 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 (20) feet.

**5-6 ACCESSORY USES:** Accessory uses are permitted if constructed either at the same time or subsequent to the primary allowed building. Such uses shall be limited to one (1) story in height and shall not encroach upon the front or side yards setback requirements.

**5-7 BUILDING HEIGHT:** No building within the R-1 District shall be constructed greater than a height of two (2) stories not to exceed thirty-five (35) feet.

**5-8 CONDITIONAL USES:** The following uses may be considered by the Planning Commission in accordance with Section 13.

- A. Cemetery
- B. Church
- C. Day care center
- D. Golf courses and driving ranges
- E. Nonprofit community clubhouse
- F. Public utility facility



SECTION 6  
R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT

SECTION:

- 6-1: Purpose
- 6-2: Restrictions
- 6-3: Area Requirements
- 6-4: Uses Permitted - Property of 7,500 Square Feet
- 6-5: Setback Requirements
- 6-6: Accessory Uses
- 6-7: Building Height
- 6-8: Conditional Uses
- 6-9: Design Review Standards

**6-1 PURPOSE:** The purpose of the R-2 Medium Density Residential District, is to set aside land areas in accordance with the comprehensive plan to enhance and preserve residential neighborhoods, provide for medium density residential development with big yards

**6-2 RESTRICTIONS:** In the R-2 Medium Density Residential District, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided by this ordinance) except for one or more of the following uses in accordance with the following standards.

**6-3 AREA REQUIREMENTS:** The following site area requirements apply to the R-2 Medium Density Residential District, except that where a lot has less area or frontage than required in this section as shown by an official plat on file in the Office of the County Clerk or shown by the last conveyance of record at the time of the passage of this Ordinance; these regulations shall not prohibit one private dwelling and its accessory buildings on such lot, subject to the setback requirements for this zoning district.

A. One (1) single-family dwelling shall have a lot with a minimum of 7,500 square feet.

B. A two-family dwelling (duplex) shall have a lot with a minimum of 10,000 square feet.

C. A multi-family dwelling may be allowed by Conditional Permit, but the development shall not exceed ten (10) dwelling units and each unit above two (2) shall require an additional 2000 square feet of lot over and above the 10,000 square feet required for a two-family dwelling.

D. The footprint of the primary structure plus the accessory structures shall have a maximum lot coverage of no more than thirty-five (35%) percent.

E. Two (2) off-street parking spaces per dwelling unit are required. Lots on arterial and collector streets shall have alleys to provide off-street parking access from the alley to the parking in the rear of the lot.

F. A five foot (5') wide sidewalk shall be required at the edge of the street right of way abutting each lot. The lot owner/renter shall be responsible for keeping the sidewalk clear and open for pedestrian traffic and for the maintenance, upkeep and reconstruction of said sidewalk.

**6-4 USES PERMITTED - PROPERTY OF 7,500 SQUARE FEET OR GREATER AND A MINIMUM LOT WIDTH OF 60 FEET OR 75 FEET ON A CORNER LOT:**

On property of not less than seventy-five hundred (7,500) square feet, with a minimum lot width of sixty (60) feet or seventy-five (75) feet on a corner lot with frontage on a public street not less than equal to the minimum lot width, the following uses are permitted:

- A. One (1) Single-Family dwelling;
- B. Multiple-family dwellings require a 10,000 square foot lot, and each dwelling unit above two (2) shall require an additional two thousand (2,000) square feet to the minimum lot size requirement.
- C. Home occupations subject to the regulation outlined in SECTION 15-8;
- D. Bed and Breakfast:
  - 1. Maximum of five (5) rooms for lodging of paying guests;
  - 2. Must provide one (1) off-street parking space for each guest room as well as all vehicles owned by permanent residents;
  - 3. Rooms cannot be added for the sole purpose of use as a bed and breakfast facility;
  - 4. Sign shall be limited to four (4) square feet;
  - 5. May provide meals to lodging guests only.
  - 6. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.;
- E. Temporary buildings and temporary uses necessary for construction purposes for a period not to exceed one (1) year;
- F. Public or private academic schools as defined in SECTION 2;
- G. Nonprofit parks, playgrounds, and recreational facilities;
- H. Public safety buildings and administrative offices.

**6-5 SETBACK REQUIREMENTS:**

- A. FRONT YARD: No building or structure shall be erected nearer than twenty (20) feet from the right-of-way line of the street.
- B. SIDE YARD: No building shall be erected closer ten (10) feet from any side property line; except corner lots shall maintain a twenty (20) 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 (20) feet.

**6-6 ACCESSORY USES:** Accessory uses are permitted if constructed either at the same time or subsequent to the primary allowed building. Such uses shall be limited to one (1) story in height shall not encroach upon the front or side yard setback areas, and shall be considered a structure when calculating lot coverage.

**6-7 BUILDING HEIGHT:** No building within the R-2 District shall be constructed greater than a height of two (2) stories not to exceed thirty-five (35) feet.

**6-8 CONDITIONAL USES:** The following uses may be considered by the Planning Commission in accordance with Section 13.

- A. Church;
- B. Non-profit Club or lodge of a service and fraternal character;
- C. Day care center;
- D. Hospitals;
- E. Mobile home parks;
- F. Non-profit community clubhouse.
- G. Public utility facilities;
- H. Retirement, convalescent home; nursing home;

**6-9 DESIGN REVIEW STANDARDS:** All new buildings and structures, other than single family homes, in the "R-2" district are subject to Design Review by the Planning and Zoning Commission and City Council of the City of New Meadows and shall meet the design review guidelines as set forth in Section 21 of this ordinance.

SECTION 7  
R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT

SECTION:

- 7-1: Purpose
- 7-2: Restrictions
- 7-3: Area Requirements
- 7-4: Uses Permitted - Property of 6,000 Square Feet
- 7-5: Setback Requirements
- 7-6: Accessory Uses
- 7-7: Building Height
- 7-8: Conditional Uses
- 7-9: Design Review Standards

**7-1 PURPOSE:** The purpose of the R-3 High Density Residential District is to preserve and enhance residential neighborhoods in accordance with the comprehensive plan, provide for high density residential development; and in certain appropriate areas, upon city approval, permit mobile home park development.

**7-2 RESTRICTIONS:** In the R-3 High Density Residential District, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided by this ordinance) except for one or more of the following uses in accordance with the following standards.

**7-3 AREA REQUIREMENTS:** The following site area requirements apply to the R-3 High Density Residential District, except that where a lot has less area or frontage than required in this section as shown by an official plat on file in the Office of the County Clerk or shown by the last conveyance of record at the time of the passage of this Ordinance; these regulations shall not prohibit one private dwelling and its accessory buildings on such lot, subject to the setback requirements for this zoning district.

A. One (1) single-family dwelling shall have a lot with a minimum of 6,000 square feet.

B. A two-family dwelling (duplex) shall have a lot with a minimum of 8,000 square feet.

C. A multi-family dwelling may be allowed by Conditional Permit, but the development shall not exceed fifteen (15) dwelling units and each unit above two (2) shall require an additional 1250 square feet of lot over and above the 8,000 square feet required for a two-family dwelling.

D. The footprint of the primary structure plus the accessory structures shall have a maximum lot coverage of no more than forty (40%) percent.

E. Two (2) off-street parking spaces per dwelling unit are required. Lots on arterial and collector streets shall have alleys to provide off-street parking access from the alley to the parking in the rear of the lot.

F. A five foot (5') wide sidewalk shall be required at the edge of the street right of way abutting each lot. The lot owner/renter shall be responsible for keeping the sidewalk clear and open for pedestrian traffic and for the maintenance, upkeep and reconstruction of said sidewalk.

**7-4 USES PERMITTED - PROPERTY OF 6,000 SQUARE FEET OR GREATER AND A MINIMUM LOT WIDTH OF 60 FEET OR 75 FEET ON A CORNER LOT:** On property of not less than six thousand (6,000) square feet, with a minimum lot width of sixty (60) feet or seventy-five (75) feet on a corner lot with frontage on a public street not less than equal to the minimum lot width, the following uses are permitted:

- A. One (1) Single-Family dwelling;
- B. Multiple-family dwellings require an 8,000 square foot lot, and each dwelling unit above two (2) shall require an additional (1,250) square feet to the minimum lot size requirement.
- C. Home occupations subject to the regulation outlined in SECTION 15-8;
- D. Bed and Breakfast:
  - i. Maximum of five (5) rooms for lodging of paying guests;
  - ii. Must provide one (1) off-street parking space for each guest room as well as all vehicles owned by permanent residents;
  - iii. Rooms cannot be added for the sole purpose of use as a bed and breakfast facility;
  - iv. Sign shall be limited to four (4) square feet;
  - v. May provide meals to lodging guests only.
  - vi. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.;
- E. Temporary buildings and temporary uses necessary for construction purposes for a period not to exceed one (1) year;
- F. Public or private academic schools as defined in SECTION 2;
- G. Nonprofit parks, playgrounds, and recreational facilities;
- H. Day Care facilities;
- I. Public safety buildings and administrative offices.

**7-5 SETBACK REQUIREMENTS:**

- A. FRONT YARD: No building or structure shall be erected nearer than fifteen (15) feet from the right-of-way line of the street.
- B. SIDE YARD: No building shall be erected closer than ten (10) feet from any side property line; except corner lots shall maintain a fifteen

(15) 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 fifteen (15) feet.

**7-6 ACCESSORY USES:** Accessory uses are permitted if constructed either at the same time or subsequent to the primary allowed building. Such uses shall be limited to one (1) story in height, shall not encroach upon the front or side yard setback areas, and shall be considered a structure when calculating lot coverage.

**7-7 BUILDING HEIGHT:** No building within the R-3 District shall be constructed greater than a height of two (2) stories not to exceed thirty-five (35) feet.

**7-8 CONDITIONAL USES:** The following uses may be considered by the Planning Commission in accordance with Section 13.

- A. Cemetery;
- B. Church;
- C. Non-profit Club or lodge of a service and fraternal character;
- D. Day care center;
- E. Hospitals;
- F. Mobile home parks;
- G. Non-profit community clubhouse.
- H. Public utility facilities;
- I. Retirement, convalescent home; nursing home;

**7-9 DESIGN REVIEW STANDARDS:** All new buildings and structures, other than single family homes, in the "R-3" district are subject to Design Review by the Planning and Zoning Commission and City Council of the City of New Meadows and shall meet the design review guidelines as set forth in Section 21 of this ordinance.

SECTION 8  
"C" GENERAL COMMERCIAL DISTRICT

- 8-1: Purpose
- 8-2: Restrictions
- 8-3: Area Requirements
- 8-4: Uses Permitted
- 8-5: Development Standards
- 8-6: Accessory Uses
- 8-7: Building Height
- 8-8: Conditional Uses
- 8-9: Signs in the "C" District
- 8-10: Design Review Standards

**8-1 PURPOSE:** The purpose of the "C" General Commercial District is to establish areas for general commercial and business activities, areas of employment and a limited number of residential uses located in the second story of general commercial or business activities.

**8-2 RESTRICTIONS:** In the "C" General Commercial District, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided by this ordinance) except for one or more of the following uses in accordance with the following standards.

**8-3 AREA REQUIREMENTS:** There shall be no minimum lot size except that existing single-family residential uses destroyed by fire or some natural disaster, may be approved for re-construction through the conditional use permit process. The residence shall follow the same area and setback requirements as set forth in the R-2 District.

**8-4 USES PERMITTED:**

- A. Agriculturally-oriented service or sales
- B. Automobile and equipment repair conducted within an enclosed area screened from public view
- C. Automobile or motor vehicles sales lot; boat sales lot
- D. Banks and other financial institutions
- E. Beauty and barber shops
- F. Cabinet or carpenter shop within an enclosed building
- G. Farm implement sales and repair
- H. Garden shop, florist, nursery, greenhouse
- I. General business offices
- J. Hospital, medical facilities
- K. Hotels, motels
- L. Laundromats
- M. Lumber yards

- N. Public or private academic schools
- O. Rental facilities; tools and small equipment
- P. Restaurants, coffee shops, bars and lounges
- Q. Retail stores
- R. Service station and/or car wash
- S. Theaters
- T. Wholesale establishments
- U. Public safety and administrative buildings

**8-5 DEVELOPMENT STANDARDS:** A “C” use that is adjacent to or across from a residential use must, at a minimum, meet the most restrictive setback requirements governing that residential use for the side of the lot that is adjacent or across from the residential use. Re-construction of existing Residential uses destroyed by fire or natural disaster in the “C” District approved through the conditional use permit process require the same setback requirements as set forth in the R-2 District.

- A. FRONT YARD: 0 feet
- B. SIDE YARD: 0 feet
- C. REAR YARD:  $\varnothing$  25 feet
- D. Total lot coverage of all buildings on the property shall not exceed sixty percent (60%).
- E. Required parking shall have alley access and meet parking requirements as set out in Section 16 of this ordinance.
- F. Snow storage shall be provided either on or off site. A minimum area not less than ten percent (10%) of any parking lot shall be provided for snow storage.
- G. Accessory structures shall be located in the rear yard area.
- H. An eight foot (8') wide sidewalk shall be required at the edge of the street right of way abutting each lot. The lot owner/renter shall be responsible for keeping the sidewalk clear and open for pedestrian traffic and for the maintenance, upkeep and reconstruction of said sidewalk.

**8-6 ACCESSORY USES:** Accessory uses are permitted if constructed either at the same time or subsequent to the primary allowed building. Such uses shall be limited to one (1) story in height. Accessory uses for the C District shall be limited to the following:

- A. Storage building for items directly supportive of business
- B. Attached garages
- C. All PWSFs or WCFs mounted on existing buildings or structures upon issuance of a Wireless Permit in accordance with the provisions of Sections 13 and 19-5 of this ordinance.



**8-7 BUILDING HEIGHT:** No building within the “C” District shall be constructed greater than a height of thirty-five (35) feet.

**8-8 CONDITIONAL USES:** The following uses may be considered by the planning commission in accordance with Section 13.

- A. Above ground combustible liquid tanks
- B. Day care centers
- C. Light manufacturing / assembly work conducted within an enclosed building
- D. Mobile home sales lots
- E. Recreational Vehicle Park
- F. Shopping Centers
- G. Storage facilities, personal and commercial
- H. Commercial Boarding Kennels
- I. Non-profit Clubs and Lodges of a fraternal order
- J. Retirement, convalescent or nursing home

**8-9 SIGNS IN THE “C” DISTRICT:** Signs in the “C” district shall be restricted to a maximum size of one and one-half square feet of area per linear foot of building width, or part of a building occupied by the “C” use, not to exceed one hundred (100) square feet. Projection of wall signs shall not exceed two (2) feet from the face of the building. Signs may be illuminated by light of constant intensity, but flashing, intermittent, rotating or moving light shall be prohibited.

**8-10 DESIGN REVIEW STANDARDS:** All new buildings and structures in the “C” district are subject to Design Review by the Planning and Zoning Commission and City Council of the City of New Meadows and shall meet the design review guidelines as set forth in Section 21 of this ordinance.

SECTION 9  
CENTRAL BUSINESS DISTRICT (CBD)

- 9-1: PURPOSE
- 9-2: RESTRICTIONS
- 9-3: AREA REQUIREMENTS
- 9-4: USES PERMITTED
- 9-5: DEVELOPMENT STANDARDS
- 9-6: ACCESSORY USES
- 9-7: BUILDING HEIGHT
- 9-8: CONDITIONAL USES
- 9-9: SIGNS IN “CBD” DISTRICT
- 9-10: DESIGN REVIEW STANDARDS

**9-1 PURPOSE:** The Central Business District (CBD) is established to promote the health, safety and welfare of current and future residents of the City of New Meadows; to provide a location for groups of compatible commercial uses having the common characteristics of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, enterprises dispensing retail commodities and those providing professional and personal services to the individual. The Central Business District is the most intensive commercial that promotes pedestrian use.

**9-2 RESTRICTIONS:** In the “CBD” Central Business District, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided by this ordinance) except for one or more of the following uses in accordance with the following standards.

**9-3 AREA REQUIREMENTS:** There shall be no minimum lot size except that existing single-family residential uses destroyed by fire or some natural disaster, may be approved for re-construction through the conditional use permit process. The residence shall following the same area and setback requirements as set forth in the R-2 District.

**9-4 USES PERMITTED:**

- A. Artisan shops
- B. Banks and financial institutions
- C. Business and personal services
- D. Combination commercial and residential use provided the commercial use is located in the first floor areas and the residential use is located in the second floor areas
- E. Restaurants, coffee shops, bars and lounges
- F. Grocery stores
- G. Beauty and barber salons
- H. Indoor recreation centers

- I. Laundromats
- J. Library
- K. Post office
- L. Professional offices and buildings
- M. Public parks
- N. Public offices
- O. Retail stores

**9-5 DEVELOPMENT STANDARDS:** Re-construction of existing Residential uses destroyed by fire or natural disaster in the “CBD” District approved through the conditional use permit process require the same setback requirements as set forth in the R-2 District.

- A. FRONT YARD: 0 feet
- B. SIDE YARD: 0 feet
- C. REAR YARD: 25 feet
- D. A. Total lot coverage of all buildings on the property shall not exceed sixty percent (60%)
- E. Required parking shall have alley access and meet parking requirements as set out in Section 16 of this ordinance.
- F. Snow storage shall be provided either on or off site. A minimum area not less than ten percent (10%) of any parking lot shall be provided for snow storage.
- G. Accessory structures shall be located in the rear yard area.
- H. An eight foot (8’) wide sidewalk shall be required at the edge of the street right of way abutting each lot. The lot owner/renter shall be responsible for keeping the sidewalk clear and open for pedestrian traffic and for the maintenance, upkeep and reconstruction of said sidewalk.

**9-6 ACCESSORY USES:** Accessory uses are permitted if constructed either at the same time or subsequent to the primary allowed building. Such uses shall be limited to one (1) story in height. One attached or detached accessory use shall be allowed in the “CBD” District shall be limited to the following:

- A. Storage buildings
- B. All PWSFs or WCFs mounted on existing buildings or structures upon issuance of a Wireless Permit in accordance with the provisions of Section of this ordinance.

**9-7 BUILDING HEIGHT:** No building within the “CBD” District shall be constructed greater than a height of thirty-five (35) feet.

**9-8 CONDITIONAL USES:** The following uses may be considered by the planning commission in accordance with Section 13.

- A. Commercial parking lots
- B. Drive through businesses
- C. Hotels, motels
- D. Medical facilities
- E. Public services facilities

**9-9 SIGNS IN THE “CBD” DISTRICT:** Signs in the “CBD” district shall be restricted to a maximum size of one and one-half square feet of area per linear foot of building width, or part of a building occupied by the “CBD” use, not to exceed one hundred (100) square feet. Projection of wall signs shall not exceed two (2) feet from the face of the building. Signs may be illuminated by light of constant intensity, but flashing, intermittent, rotating or moving light shall be prohibited.

**9-10 DESIGN REVIEW STANDARDS:** All new buildings and structures in the “CBD” district are subject to Design Review by the Planning and Zoning Commission and City Council of the City of New Meadows and shall meet the design review guidelines as set forth in Section 21 of this ordinance.

SECTION 10  
BUSINESS / RESIDENTIAL DISTRICT (BRD)

- 10-1: PURPOSE
- 10-2: RESTRICTIONS
- 10-3: AREA REQUIREMENTS
- 10-4: USES PERMITTED
- 10-5: DEVELOPMENT STANDARDS
- 10-6: ACCESSORY USES
- 10-7: BUILDING HEIGHT
- 10-8: CONDITIONAL USES
- 10-9: SIGNS IN "BRD" DISTRICT
- 10-10: DESIGN REVIEW STANDARDS

**10-1 PURPOSE:** The Business / Residential District (BRD) is a moderately intensive zone including both offices and high density housing. It serves as a transitional zoning district between residential areas and commercial and industrial areas.

**10-2 RESTRICTIONS:** In the Business / Residential District (BRD), no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided by this ordinance) except for one or more of the following uses in accordance with the following standards.

**10-3 AREA REQUIREMENTS:** The minimum lot size and setback requirements shall conform to the requirements set forth in the R-3 Residential District. No more than fifty percent (50%) of the lot shall be covered with the primary and accessory buildings.

**10-4 USES PERMITTED:**

- A. Combination single-family / professional office structures
- B. Multi-family dwellings that meet the requirements of the R-3 District
- C. Bed and Breakfast
- D. Boarding house
- E. Day care facilities
- F. Establishments that provide clerical, professional or other skilled services
- G. Medical offices
- H. Laundromats
- I. Library
- J. Public parks
- K. Public offices

**10-5 DEVELOPMENT STANDARDS:**

- A. FRONT YARD: 20 feet
- B. SIDE YARD: 10 feet
- C. REAR YARD: 20 feet
- D. Total lot coverage of all buildings on the property shall not exceed fifty percent (50%).
- E. Required parking shall have alley access and meet parking requirements as set out in Section 16 of this ordinance.
- F. Snow storage shall be provided either on or off site. A minimum area not less than ten percent (10%) of any parking lot shall be provided for snow storage.
- G. Accessory structures shall be located in the rear yard area.
- H. An eight foot (8') wide sidewalk shall be required at the edge of the street right of way abutting each lot. The lot owner/renter shall be responsible for keeping the sidewalk clear and open for pedestrian traffic and for the maintenance, upkeep and reconstruction of said sidewalk.

**10-6 ACCESSORY USES:** Accessory uses are permitted if constructed either at the same time or subsequent to the primary allowed building. Such uses shall be limited to one (1) story in height. One attached or detached accessory use shall be allowed in the “BRD” District shall be limited to the following:

- A. Storage buildings
- B. All PWSFs or WCFs mounted on existing buildings or structures upon issuance of a Wireless Permit in accordance with the provisions of Section of this ordinance.

**10-7 BUILDING HEIGHT:** No building within the “CBD” District shall be constructed greater than a height of thirty-five (35) feet.

**10-8 CONDITIONAL USES:** The following uses may be considered by the planning commission in accordance with Section 13.

- A. Places of worship and religious practice
- B. Post Office
- C. Schools, commercial and public
- D. Non-profit Clubs and Lodges of a fraternal order
- E. Retirement, convalescent or nursing home

**10-9 SIGNS IN THE “BRD” DISTRICT:** Signs in the “BRD” district shall be restricted to a maximum size of sixteen (16) square feet. Projection of wall signs shall not exceed two (2) feet from the face of the building. Signs shall not be illuminated.

**10-10 DESIGN REVIEW STANDARDS:** All new buildings and structures, other than single family homes, in the “BRD” district are subject to Design Review by the Planning and Zoning Commission and City Council of the City of New Meadows and shall meet the design review guidelines as set forth in Section 21 of this ordinance.

SECTION 11  
"I" INDUSTRIAL DISTRICT

- 11-1: Purpose
- 11-2: Restrictions
- 11-3; Area Requirements
- 11-4: Uses Permitted
- 11-5: Performance Standards
- 11-6: Height Requirements
- 11-7: Setback Requirements
- 11-8: Conditional Uses
- 11-9: Design Review Standards

**11-1 PURPOSE:** The Industrial 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 treatment of land about them, that they will be unobtrusive and not detrimental to surrounding uses.

**11-2 RESTRICTIONS:** In the Industrial District, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided by this ordinance) except for one or more of the following uses in accordance with the following standards.

**11-3 AREA REQUIREMENTS:** There shall be no minimum lot size.

**11-4 USES PERMITTED:**

- A. All use permitted outright in the "C" and "CBD" Districts.
- B. Manufacturing, assembling, fabricating, processing, packing, repairing, laundry cleaning, or dry cleaning which has not been declared a nuisance by statute, resolution, or any court of competent jurisdiction;
- 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 storage yards;
- E. Research and development;
- F. Hybrid production facility.

**11-5 PERFORMANCE STANDARDS:** All uses within the "I" Industrial District shall:

- A. Be carried on in such a manner and with such precautions against fire, explosion hazards, or other physical damage to any adjacent building or plant growth;



- B. Screen or store all raw materials, finished products, machinery, and equipment, including company-owned or operated trucks, within a building, a sight-obscuring fence or vegetated barrier;
- C. Emit no obnoxious odors of any kind;
- D. Exhaust no waste or dust created by business operation into the air;
- E. Discharge no treated or untreated sewage or waste into any stream or river;
- F. Conduct no mining, extraction, filling or soil-stripping operations;
- G. Not emit noise causing sound levels greater than 55 decibels between dusk and dawn (night hours) and 65 decibels between dawn and dusk (daylight hours) beyond the boundaries of the site on which such use is conducted;
- H. Not cause vibration beyond the boundaries of the site on which such use is conducted.
- I. An eight foot (8') wide sidewalk shall be required at the edge of the street right of way abutting each lot. The lot owner/renter shall be responsible for keeping the sidewalk clear and open for pedestrian traffic and for the maintenance, upkeep and reconstruction of said sidewalk.

**11-6 HEIGHT REQUIREMENTS:** Any building or structure or portions thereof hereafter erected shall not exceed thirty-five (35) feet in height except by Conditional Use Permit.

**11-7 SETBACK REQUIREMENTS:**

- A. FRONT YARD: No building or structure shall be erected nearer than twenty (20) feet from the right-of-way line of the street, except when an industrial lot abuts, touches, adjoins, or is across the street from a residential district the front yard setback shall be no less than thirty-five (35) feet.
- B. SIDE YARD: No setback is required, except when an industrial lot abuts, touches, adjoins, or is across the street from a residential district the side yard setback shall be no less than thirty-five (35) feet.
- C. SIDE YARD, FLANKING STREET: No building or structure shall be erected nearer than twenty (20) feet from the right-of-way line of the street, except when an industrial lot abuts, touches, adjoins, or is across the street from a residential district the front yard setback shall be no less than thirty-five (35) feet.
- D. REAR YARD: No setback is required, except when an industrial lot abuts, touches, adjoins, or is across the street from a residential

district the rear yard setback shall be no less than thirty-five (35) feet.

**11-8 CONDITIONAL USES:** The following uses may be considered by the planning commission in accordance with Section 13.

- A. Communications tower;
- B. Grain elevator and bulk storage such as for potatoes, hay, and other similar uses;
- C. Land application of treated wastewater
- D. Sewage treatment facilities
- E. Storage, for wholesale or for distribution in bulk, of any flammable liquid above or below ground;
- F. Asphalt manufacturing, mixing or refining
- G. All chemical manufactures, storage or packaging
- H. Wrecking or scrap yard
- I. Cement or clay products manufacturing
- J. Commercial uses directly related to, and necessary for, the operation of the industry

**11-9 DESIGN REVIEW STANDARDS:** All new buildings and structures in the "I" Industrial district are subject to Design Review by the Planning and Zoning Commission and City Council of the City of New Meadows and shall meet the design review guidelines as set forth in Section 21 of this ordinance.

SECTION 12  
MOBILE HOME PARK STANDARDS

- 12-1: Purpose
- 12-2: Area Requirement
- 12-3: Infrastructure and Service Requirements
- 12-4: Uses Permitted
- 12-5: Development Requirements
- 12-6: Transfer of Ownership or Sale of Mobile Home Park

**12-1 PURPOSE:** The purpose of the Mobile Home Parks Standard is to provide standards for the development of mobile home parks within the City of New Meadows.

**12-2 AREA REQUIREMENT:** A Mobile Home Park shall consist of a minimum of one (1) acre and contain five (5) or more sites for mobile homes or manufactured homes.

**12-3 INFRASTRUCTURE AND SERVICE REQUIREMENTS:** A Mobile Home Park shall be served by city water and sewer facilities and have access to a public road.

**12-4 USES PERMITTED:** Mobile Home Parks may be permitted in Districts listing mobile home parks as conditional uses, if such conditional use permit is obtained through the procedures in Section 13 of this Ordinance. Manufactured home subdivisions are subject to New Meadows Subdivision Ordinance and are not subject to this Section of the New Meadows Zoning Ordinance. Uses permitted are:

- A. Manufactured homes and mobile homes for residential use.
- B. Management office, recreational facilities and community building for use by park residents and their guests.
- C. Storage sheds on individual, occupied lots.
- D. Community RV outdoor storage area visually screened from public view for use by park residents only.
- E. Garages that are attached as part of the mobile home unit.

**12-5 DEVELOPMENT REQUIREMENTS:** Mobile home parks shall conform to the following requirements:

- A. Minimum Rental Lot Size: 3,520 square feet.
- B. Setback Requirements:
  - 1. Conventional Single Lot
    - a) Front Yard: No mobile home or structure shall be erected nearer than ten (10) feet from the abutting park street.

- b) Flanking Street: No mobile home or structure shall be erected nearer than ten (10) feet from the flanking park street.
  - c) Side Yard: No mobile home or structure shall be erected nearer than eight (8) feet from the side rental lot line.
  - d) Rear Yard: No mobile home or structure shall be erected nearer than eight (8) feet from the rear rental lot line.
  - e) No mobile home or structure shall be erected nearer than twenty (20) feet from the park property line along a public street.
  - f) No mobile home or structure shall be erected nearer than ten (10) feet from the rear or side park property line.
2. Zero Lot Line - The side yard setback requirement may be zero (0) feet on one side and fifteen (15) feet on the other as long as no two buildings within the park are located closer than fifteen (15) feet from each other.
3. Accessory Buildings
- a) Front Yard: Accessory buildings are prohibited in the front yard.
  - b) Side Yard: Three (3) feet
  - c) Rear Yard: Three (3) feet.
  - d) Accessory buildings shall not be located nearer than ten (10) feet to any other building other than the dwelling unit it serves.
- C. Lot Coverage: No building or structure, or total combined square footage of all buildings and structure shall cover more than fifty (50) percent of its rental lot.
- D. Streets: All mobile homes within the park shall have direct access to a park street. All park streets and drives shall be paved.
- E. Vehicular Access: Mobile home parks street systems shall have direct access to a public road.
- F. Sidewalks: A four (4) foot wide sidewalk shall be installed on at least one side of an internal park street.

**12-6 Transfer of Ownership or Sale of Mobile Home Park:** The Mobile Home Park owner/manager shall notify the City of any pending sale of the park. Upon completion of the sale, the new owner shall present a drawing of the existing park to the City for design and compliance review, with a proposed timeline to remedy any deficiencies.

SECTION 13  
CONDITIONAL USE PERMITS

- 13-1: Purpose
- 13-2: Minimum Standards
- 13-3: Application Procedure
- 13-4: Hearing Procedure
- 13-5: Expiration of Conditional Use Permit Approval
- 13-6: Violations
- 13-7: Conditional Use Approval
- 13-8: Multiple Uses on One Parcel

**13-1 PURPOSE:** Each district lists conditional uses that may be allowed if found to be compatible with surrounding land uses. Every use that requires a conditional use permit is declared to possess characteristics such as to require review and appraisal by the Commission and Council to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity.

**13-2 MINIMUM STANDARDS:** An approved conditional use permit shall at least meet the minimum bulk standards, such as, but not limited to, setback requirements, lot size and building height of the underlying district. Exceptions to those requirements must be sought through the variance procedure.

**13-3 APPLICATION PROCEDURE:** An application for a conditional use permit shall be filed with the Administrator by at least one owner or lessor of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of the applicant.
- B. Legal description of the property.
- C. Description of existing use.
- D. Zone district.
- E. Description of proposed conditional use.
- F. Site plan.
- G. An objective narrative statement evaluating the effects on adjoining property and proposed methods to mitigate those effects; a discussion of the general compatibility with adjacent and other properties in the vicinity.
- H. Certificate of Ownership (See Section 2 for definition)
- I. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered which must be provided by and certified to by a licensed title company doing business in Adams County, Idaho.
- J. Application Fees.

**13-4 HEARING PROCEDURES:** Following the acceptance of the complete conditional use permit application by the Administrator and prior to granting a conditional use permit, a public hearing shall be held to review the conditional use permit request.

- A. Notification: At least fifteen (15) days prior to the date of the public hearing the Administrator shall cause notice of time and place and a summary of the proposed conditional use to be published in the official newspaper or paper of general circulation within the city and its impact area. Notice by first class US Mail shall be sent to all property owners within at least 300 feet of the external boundaries of the subject property at least fifteen (15) days prior to the public hearing date. The Administrator shall cause notice to be posted upon the subject site not less than seven (7) days prior to the public hearing.
- B. Action by the Hearing Body:
  - 1. Conditional use permits shall be heard by the Commission. The Commission shall consider the facts and circumstances of each conditional use application and shall make issue a recommendation based upon the following standards:
    - a) Will, in fact, constitute a conditional use as established in this Ordinance for the zoning district involved.
    - b) Will be harmonious with and in accordance with the zoning ordinance and the general objective of the Comprehensive Plan.
    - c) Will not alter the intended character of the area.
    - d) Will not be detrimental to public health and safety or adjacent property.
    - e) Will not result in the destruction, loss or damage of a natural, environmental, scenic or historic feature of major importance.
  - 2. Conditions of Approval: In recommending approval of any conditional use permit, the Commission may identify appropriate conditions, bonds and safeguards in conformity with this ordinance. Conditions may include, but shall not be limited to, specific requirements that would:
    - a) Minimize adverse impacts on other development.
    - b) Control the sequence and timing of development.
    - c) Control the duration of development.
    - d) Assure proper maintenance of development.
    - e) Require the provision for on-site and off-site facilities or services.
    - f) Require more restrictive standards than those required by the New Meadows Zoning Ordinance.
    - g) Require financial guarantees.

3. Commission's Recommendation: Within fifteen (15) days following the public hearing the Commission shall forward its recommendation for approval, conditional approval, or denial to the Council or table the item for further review. The recommendation shall be in writing and shall specify:
    - a) The standards used in evaluating the application.
    - b) The reason(s) for the recommendation.
- C. Action by the Council: At the next regularly scheduled Council meeting the Council shall grant or deny the permit; or delay a decision for up to thirty (30) days for further study or hearing. A hearing held by the Council is subject to the same notice requirements and hearing procedures followed by the Commission's public hearing. All associated fees shall be assessed to the applicant.

**13-5 EXPIRATION OF CONDITIONAL USE PERMIT APPROVAL:**

Unless a longer time is specifically established as a condition of approval, a conditional use permit shall be considered void twelve (12) months following the effective date of the permit if construction is not being diligently pursued toward completion.

**13-6 VIOLATIONS:** A conditional use permit may be suspended or revoked upon determination by the Commission during their regularly scheduled meeting that a violation of the conditions of approval has occurred. The Commission shall then hold a public hearing subject to the same notification requirements as outlined in Section 13-4 to determine the extent of the violations and the appropriate corrective action.

**13-7 CONDITIONAL USE APPROVAL:** A conditional use permit is granted to the subject property and shall remain valid upon a change in ownership with all attached conditions. Conditional use permits are not transferable from one parcel to another.

**13-8 MULTIPLE USES ON ONE PARCEL:** The Council may grant more than one conditional use permit to a single parcel of property or may grant conditional use permits to a single parcel of property that currently contains a principal use allowed outright by that district.

SECTION 14  
VARIANCES

- 14-1: Purpose
- 14-2: Application Procedure
- 14-3: Hearing Procedure
- 14-4: Expiration of a Variance

**14-1 PURPOSE:** The City Council may authorize in specific cases such variance from the bulk requirements of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures or buildings in the same district and not permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the bulk provisions of this Ordinance would result in unnecessary hardship or inequity. Variances shall not be granted to allow uses within a district where such uses are prohibited by this ordinance.

**14-2 APPLICATION PROCEDURE:** An application for a variance shall be filed with the Administrator by at least one owner or lessor of the property for which such variance is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of the applicant.
- B. Legal description of the property.
- C. Description of existing use.
- D. Zone district.
- E. Description of proposed variance.
- F. Site plan
- G. An objective narrative stating the reasoning for a variance and justification of the variance.
- H. Certificate of Ownership (See Section 2 for definition)
- I. A list of all property owners and their mailing addresses within 300 feet of the external boundaries of the property or across a right-of-way from the external boundaries of the entire subject property, which must be provided by and certified to by a licensed title company doing business in Adams County, Idaho.
- J. Application Fees.

**14-3 HEARING PROCEDURES:** Following the acceptance of the complete variance application by the Administrator and prior to granting a variance, a public hearing shall be held to review the variance request.

- A. Notification: At least fifteen (15) days prior to the date of the public hearing the Administrator shall cause notice of time and place and



a summary of the variance request to be published in the official newspaper or paper of general circulation within the city and its impact area. Notice by First Class US Mail shall be sent to all property owners within 300 feet of the external boundaries of the subject property at least fifteen (15) days prior to the public hearing date. The Administrator shall cause notice to be posted upon the subject site not less than seven (7) days prior to the public hearing.

- B. Action by the Hearing Body:
  - 1. Variance requests shall be heard by the Planning Commission. The Planning Commission shall consider the facts and circumstances of each variance application and shall make a recommendation based upon the following:
    - a) That special conditions and circumstances exist that are peculiar to the land, structure or building involved and that are not applicable to other lands, structures or buildings in the same district.
    - b) That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.
    - c) That the hardship and/or unique circumstances do not result from actions or desires of the applicant.
    - d) That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
    - e) The relief granted by the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement.
- C. Conditions of Approval: In recommending approval of any variance request, the Commission may identify appropriate conditions to mitigate possible impacts such variance may have on surrounding property or utilities.
- D. Commission's Recommendation: Within fifteen (15) days following the public hearing the Commission shall forward its recommendation for approval, conditional approval, or denial to the Council or table the item for further review. The recommendation shall be in writing and shall specify:
  - 1. The standards used in evaluating the application.
  - 2. The reason(s) for the recommendation.
- E. Action by the Council: At the next regularly scheduled Council meeting the Council shall grant or deny the variance; or delay a decision for up to thirty (30) days for further study or hearing. A hearing held by the Council is subject to the same notice

requirements and hearing procedures for the Commission's public hearing. All associated fees shall be assessed to the applicant.

**14-4 EXPIRATION OF VARIANCE APPROVAL:** Unless a longer time is specifically established as a condition of approval, a variance approval shall be considered void twelve (12) months following the effective date of the approval by Council if construction is not being diligently pursued toward completion.

SECTION 15  
SUPPLEMENTARY REGULATIONS

- 15-1: Purpose
- 15-2: Yard Requirements
- 15-3: Height Requirements
- 15-4: General Provisions
- 15-5: Commercial and Industrial Provisions
- 15-6: Unique Land Use Provisions
- 15-7: Storage of Boats, Campers and RVs
- 15-8: Home Occupation Permits
- 15-9: Mobile Home Location

**15-1 PURPOSE:** This Section sets forth general requirements that apply to all of the districts that have been established by this Ordinance. The intent of this Section is to eliminate redundancy by incorporating general regulations under one section.

**15-2 YARD REQUIREMENTS:** In addition to all yard regulations specified in a district setback requirement and in other sections of this ordinance, the following provisions shall be adhered to:

- A. Visibility at Intersections - On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three (3) feet and eight (8) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street right-of-way twenty-five (25) feet from the point of intersection.
- B. Fence and Wall Restriction in Front Yards - In any required front yard, no fence or wall shall be permitted that is taller than three (3) feet.
- C. Yard Requirements for Multi-Family Dwellings - Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side yards as specified for dwellings in the appropriate district.
- D. Architectural Projections - Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard setback areas.

**15-3 HEIGHT REQUIREMENTS:** The height limitations contained in each district section do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other equipment usually required to be placed above the roof level and not intended for human occupancy except where the height of

such structures will constitute a hazard to the safe landing and take-off or aircraft at an established airport.

**15-4 GENERAL PROVISIONS:** In addition to all other regulations as specified in this ordinance, the following provisions shall be adhered to:

- A. Required Trash Areas - All trash and/or garbage collection areas for commercial, industrial and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or fence of at least four (4) feet in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the City Council shall be provided.
- B. Sidewalks - All owners of lots abutting upon sidewalks and/or the City's easement for sidewalks within the corporate limits of the City of New Meadows shall be, and they are hereby, required to keep said sidewalks free and clear of snow, rubbish, trash, debris, litter, and all obstructions of any kind or character whatsoever. If a sidewalk, or portion thereof, is in violation of this Section, the city may, at its option, clean the sidewalk and bill the owner of the property abutting the offending sidewalk a reasonable fee for such maintenance. Such maintenance fee shall be determined by the cost thereof to the City and in no case shall exceed one hundred (\$100) dollars per each cleaning. The maintenance fee(s) shall be in addition to any fine imposed.
- C. Signs – Permanent and temporary signs shall be located on private property and not located in the public right of way or easement or on public sidewalks. Governmental use of signs in the right of way or easement is exempt.

**15-5 COMMERCIAL AND INDUSTRIAL PROVISIONS:** No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions that could adversely affect the surrounding areas of adjoining premises, except that any use permitted by this ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

- A. Fire Hazard - Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved as specified in the International Fire Code.
- B. Radioactivity or Electrical Disturbance - No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting

the operation of any equipment at any point other than that of the creator of such disturbance.

- C. Noise- Objectionable noise as determined by the City Council that is due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- D. Vibration - No vibration shall be permitted that is discernible without instruments on any adjoining lot or property.
- E. Air Pollution - Air pollution shall be subject to the requirements and regulations established by the Health Authority and the Department of Environmental Quality.
- F. Glare - No direct or reflected glare shall be permitted that is visible from any property outside a manufacturing district or from any street.
- G. Erosion - No erosion, by man, wind, or water shall be permitted that will carry objectionable substances onto neighboring properties.
- H. Water Pollution - Water pollution shall be subject to the requirements and regulations established by the Health Authority and the Department of Environmental Quality.
- I. Enforcement Provisions - The City Council, prior to the issuance of a Zoning Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- J. Measurement Procedures - Methods and procedures for the determination of the existence of any dangerous or objectionable elements shall conform to applicable standard measurement procedures published by the American Standard Institute, New York, the Manufacturing Chemists' Association, Inc., Washington, DC, the United States Bureau of Mines, the Department of Environmental Quality and the Health Authority.
- K. Loading Areas - Convenient access to loading spaces from streets or alleys shall be provided. In no case shall off-street loading areas be part of the area used to satisfy off-street parking requirements.

**15-6 UNIQUE LAND USE PROVISIONS:** Certain unique land uses pose special problems that may have detrimental influences on surrounding land uses. The following performance standards for such unique land uses shall be adhered to in addition to all other provisions of this ordinance.

- A. Accessory Buildings - Will not be located in any required front yard area.
- B. Animal Clinic, Animal Hospital, Veterinary Office and Kennel -
  - 1. Will be located at least three hundred (300) feet from any residence including motels and hotels, except for an owner's residence. The City Council may modify these requirements if the animals are completely housed in soundproof

- structures that completely screen them from view of the abutting residential property.
2. Will comply with all State and local regulations relative to such an operation, and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.
- C. Animal Commercial Feed Lots, Meat Packing, Processing Plant, and Slaughterhouse Facilities -
1. Will be located when housing animals, feed lots or holding pens not less than 600 feet from any residence, except for an owner's residence. Such facilities shall have a minimum setback of thirty (30) feet from any property line.
  2. Will be designed and located with full consideration to their proximity to adjacent uses, their effect upon adjacent and surrounding properties, and to the reduction of such nuisance factors as odor.
  3. Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance and shall also be subject to the Health Authority and the Department of Environmental Quality requirements as to the elimination of waste materials and the maintenance of water quality control
- D. Bulk Storage of Flammable Liquids and Gases, Above Ground and for resale -
1. Will be located at least 300 feet from a residential district, a residence, motel, hotel, except for an owner's residence.
  2. Will be erected subject to the approval of the fire chief or in his absence, the State Fire Marshall.
  3. Will have suitable loading and unloading spaces and off-street parking facilities subject to the approval of the fire chief or in his absence, the State Fire Marshall.
- E. Chemicals, Pesticide and Fertilizer Storage and Manufacturing -
1. Will have adequate fire protection, storage area, handling and disposal as approved by the fire chief or in his absence, the State Fire Marshall.
- F. Contractors Yard -
1. Will have a six (6) foot sight-obscuring fence around the areas utilized for storage of equipment and materials
  2. Will be limited to storage, maintenance and processing incidental to contracting work. There shall be no general industrial or commercial uses.
- G. Drive-In Restaurant -
1. Will be enclosed on the property line with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties.
  2. Will have a six (6) foot high sight-obscuring fence along the property lines that adjoin a residence.

3. Will avoid the direction of night lighting toward any residence.
  4. Will provide for adequate trash receptacles.
- H. Filling, Grading, Lagooning, Dredging or Other Earth-Moving Activity -
1. Will result in the smallest amount of bare ground exposed for the shortest time feasible.
  2. Will provide temporary ground cover, such as mulch.
  3. Will use diversions, silting, basins, terraces and other methods to trap sediment.
  4. Will provide lagooning in such a manner as to avoid creation of fish trap conditions.
  5. Will not restrict a floodway, channel or natural drainage way.
  6. Will construct and stabilize sides and bottom of cuts, fills, channels and artificial water course to prevent erosion or soil failure.
  7. Will not have below-grade excavation except for drainage ways within fifty (50) feet of any lot line or public right-of-way.
  8. Will restore topsoil or loam to a depth of not less than four (4) inches.
  9. Will require a permit from the City Council under this paragraph.
- I. Gravel Pits, Rock Quarries, Sand and Clay Pits, and Other Natural Resources of Commercial Value -
1. The extent and method of rehabilitation shall be determined in advance if issuing a zoning certificate with due consideration given to what is suitable and compatible with the surrounding area.
  2. Upon depletion of the area, all temporary buildings and structures, except property line fences and structures for the loading, measuring or weighing of salable material in storage, shall be entirely removed from the property.
  3. Safety fencing shall be erected around all pits that create a safety hazard.
- J. Outdoor Storage of Commercial and Industrial Materials -
1. Will be screened from view from any existing adjoining residence or residentially zoned area whether or not such property is separated by an alleyway or street.
  2. Will not be located in any front yard setback area.
- K. Recreational Vehicle Parks -
1. Purpose - Recreational vehicle parks are for temporary living quarters and not permanent or year-round housing.
  2. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structures, such as attached awnings or carports,

shall for the purpose of this separation requirement, be considered to be part of the recreational vehicle and maintain the above separation.

3. Each recreational vehicle lot shall contain a stabilized vehicular parking pad composed of paving, compacted crushed gravel, or other all weather material.
  4. Each recreational vehicle lot shall have a minimum depth of 60 feet.
  5. If it is determined by the City or Idaho Transportation Department that traffic control devices or other traffic regulation improvements are required as a result of development of a recreational vehicle park, the Developer or Applicant shall be responsible for the cost of installation or construction of said improvements.
  6. Internal roads and parking service areas shall provide safe and convenient access for service and emergency vehicles and to amenities within the recreational vehicle park. Internal road shall not be designed to encourage use by outside traffic to traverse the recreational vehicle park to adjoining developed areas.
  7. The applicant shall provide a minimum of 1 parking space per RV site in addition to the RV pad.
  8. Any action toward removal of wheels of a recreational vehicle or to attach the recreational vehicle to the ground for stabilizing purposes is prohibited.
  9. Occupancy of a recreational vehicle park space by a particular recreational vehicle shall be limited each year to only those days between Memorial Day and October 1, and a maximum of thirty (30) consecutive days during the remaining months of the calendar year.
- L. Riding Stables and Schools -
1. Will locate all stables or loafing sheds not nearer than ~~one~~ three hundred (300) feet from any residence, except for an owner's residence. All facilities shall be set back a distance of thirty (30) feet from any property line.
  2. Will be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties, as to the storage of horse trailers and the factors of noise and odor.
  3. Will require that the owner or operator of such use have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.
  4. Will be completely enclosed by a solid six (6) foot high sight-obscuring fence.
  5. Will not result in the storage of automobile, junk or salvage material.



6. Will not result in the storage of automobiles that exceed the height of the fence.
7. Will have such landscaping that is appropriate with the surrounding area.

M. Rifle and Pistol Range -

1. All firing areas shall be bermed. The earthen berms shall comply to the following minimum standards recommended by the National Rifle Association:

Table Rifle and Pistol Backstop and Side Berm Standards		
	Feet in Height	Slope
Impact (backstop) Berm	20 feet	1:1 Slope
Side Berms	8 feet	1:1 Slope

2. Will be designed to avoid a line of fire that is directed toward any residence or business within one (1) mile.
3. Will incorporate landscaping that is compatible with the surrounding landscaping.
4. Will provide supervision and security measures during periods of use.

**15-7 STORAGE OF BOATS, CAMPERS and RVs:** In residential districts, boats, travel trailers, and similar outdoor recreational vehicles may be parked on the same lot as the primary dwelling in the side or rear yard but not in the required side and rear setback areas. Such units shall not be occupied as a dwelling unit while parked on-site, unless otherwise provided in this ordinance.

Self-contained travel trailers or motor homes may be used as temporary living quarters for guests of the residential dwelling unit located on the same property for no longer than thirty (30) consecutive days.

**15-8 HOME OCCUPATION PERMITS:** A home occupation shall be allowed in those districts that specifically allow home occupations. All home occupations must meet the following requirements:

- A. The resident shall obtain a business license and home occupation permit from the City of New Meadows.
- B. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five (25) percent of gross floor area of one floor of the dwelling unit shall be used in the conduct of the home occupation.
- C. The home occupation is considered an accessory use by this ordinance.

- D. The home occupation must be operated solely within the residential dwelling unit and shall not alter the exterior character of the dwelling other than one (1) sign, no larger than four (4) square feet in area, non-illuminated and mounted flat against the wall of the principle building.
- E. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard.
- F. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- 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.

**15-9 MOBILE HOME LOCATION:** Mobile homes are not permitted except in City approved Mobile Home Parks or as specified in individual districts.

SECTION 16  
OFF-STREET PARKING REQUIREMENTS

- 16-1: Purpose
- 16-2: General Parking Requirements
- 16-3: Location of Parking Spaces
- 16-4: Parking Area Improvements
- 16-5: Parking Lot Design Standards
- 16-6: Parking Spaces Required
- 16-7: Parking Requirements for Uses Not Specified
- 16-8: Common Facilities for Mixed Uses
- 16-9: Off-Street Loading
- 16-10: General Provisions; Off-Street Loading

**16-1 PURPOSE:** The purpose of this Section is to set forth the minimum requirements for off-street vehicular parking and loading for various buildings and land uses irrespective of the district in which they are located.

**16-2 GENERAL PARKING REQUIREMENTS:**

- A. Off-street parking and loading facilities shall be shown on a site plan for building permit or Administrator review at a scale not less than one (1) inch equals one hundred (100) feet. This is not required for single-family or duplex construction on a lot with an attached garage for each unit.
- B. Commercial parking areas shall be used for automobile parking only, with no sales, storage, repair work or servicing of any kind conducted thereon. Trucks are allowed where the lot is constructed with adequate space to accommodate trucks.
- C. Whenever a land use is changed or altered (enlarged, increase in number of employees, seating capacity, etc.) in such a manner that will increase the parking space requirement specified by this ordinance, a site plan showing the design for the additional parking spaces shall be submitted to the Administrator for approval.
- D. With the exception of residential districts, no inoperable or unlicensed vehicles shall be parked within public or private off-street parking areas. Inoperable or unlicensed vehicles located in residential districts shall be located within an enclosed building or an enclosed back yard.
- E. Groups of three (3) or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single-lot shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley will be required.

**16-3 LOCATION OF PARKING SPACES:**

- A. An off-street parking lot for uses other than residential uses shall be located on the same lot as the principle use the parking lot serves or

within four hundred (400) feet of the principle building it serves. This four hundred (400) foot measurement shall be measured from the nearest point of the principle building to the nearest point of the parking lot. When a commercial / business enterprise is using an off-site parking area to satisfy its parking needs, a signed written agreement between the enterprise and the owner of the off-site parking area is required.

- B. Off-street parking for residences shall be located on a driveway in the side, rear or front yard.

**16-4 PARKING AREA IMPROVEMENTS:** All public or private parking areas which contain three or more parking spaces shall be improved according to the following:

- A. All parking areas except those in conjunction with single-family or two-family dwellings shall have surfacing of asphalt concrete, or Portland cement concrete. Other durable and dust-free surfacing materials may be approved by the Council for infrequently used parking areas, such as an auditorium, gymnasium, church or other similar use.
- B. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private or public property.
- C. All parking areas, including service drives, except those required in conjunction with single-family or two-family dwellings, which abut a residential district, shall be enclosed along and immediately adjacent to any interior property which abuts any residential district with a sight-obscuring fence, wall or hedge not less than three (3) feet nor more than six (6) feet in height. If fence, hedge or wall is not located on the property line, said area between fence, hedge or wall and the property line shall be landscaped and maintained with lawn or low-growing evergreen ground cover, or rock mulch.
- D. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
- E. Parking areas for residential uses, except those required in conjunction with a single-family or two-family dwelling, shall not be located in a required front yard.
- F. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way driveways be less than twenty (20) feet and twelve (12) feet respectively.

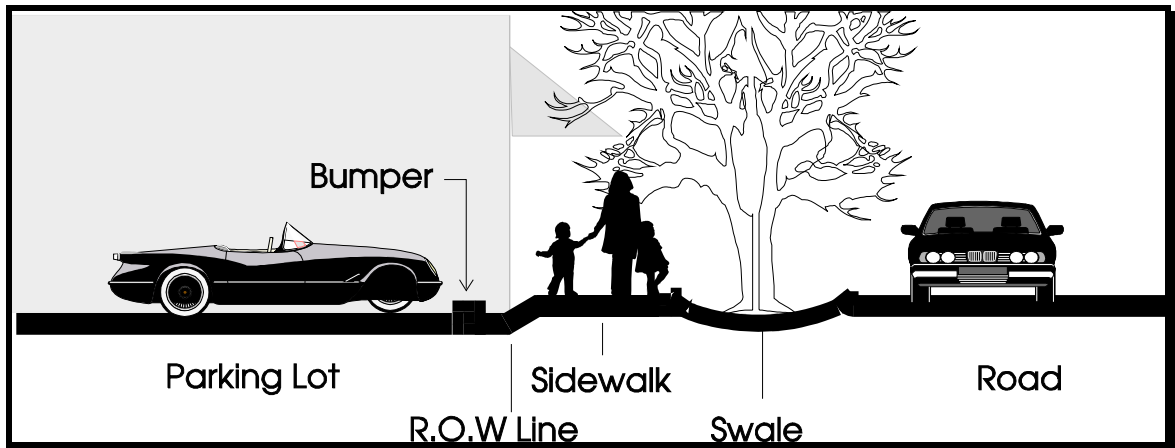
**16-5 PARKING LOT DESIGN STANDARDS:** All parking spaces and parking lots shall be designed and constructed to the following minimum standards:

- A. Parking Space Dimensions - Standard parking space is nine (9) feet in width by twenty (20) feet in length and Compact parking space is eight (8) feet in width by sixteen (16) feet in length. No

Parking Aisle Widths				
	Parking Angle in Degrees			
	30	45	60	90
One Way Traffic	12 feet	12 feet	24 feet	24 feet
Two Way Traffic	24 feet	24 feet	24 feet	24 feet

more than 25% of spaces in a parking area may be designed as Compact parking spaces. Parking area aisle widths shall be as above.

- B. Stalls must be clearly marked and the markings must be maintained in good condition.  
 C. Bumpers must be installed along street property line where paved areas abut street right-of-way (except driveways).



- D. No stalls shall be such that cars must back over the property line to enter or leave a stall.  
 E. Driveway Entrances and Exits:  
 1. A driveway that serves no more than one dwelling unit - ten (10) feet in width.  
 2. A driveway that serves two or more dwelling units - eighteen (18) feet in width.

**16-6 PARKING SPACES REQUIRED:** The minimum number of off-street parking spaces required shall be no less than as set forth in the following:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
<u>Residential</u>	
Single-family or Two-family dwelling	2 for each dwelling unit on a single lot
Multiple-family dwelling	2 for each dwelling unit; with 1 visitor space per 3 dwelling units.
Hotels, motels, motor hotels, etc.	1 for each guest room plus 1 for each 2

Rooming or boardinghouses	employees 1 for each guest room plus 2 for the owner/operator
Fraternities, sororities, cooperative and dormitories	1 for each three occupants for which sleeping facilities are provided.
Bed and Breakfast	2 for the operator; 1 for each guest room; 1 for each employee.
Mobile/Manufactured Home Park	2 for each dwelling unit plus 1 visitor space per 3 dwelling units
 <u>Institutional Types</u>	
Hospitals	2 for each bed;
Churches, clubs, lodges	1 for every four fixed seats or every 8 feet of bench length or every 28 square feet where no permanent seats or benches are maintained - in main auditorium (sanctuary or place of worship).
Libraries, museums, art galleries	1 for each 250 square feet of gross floor area.
Day care centers	1 per 350 square feet of gross floor area.
Nursing homes, home for the aged, group care homes, etc.	1 for each three beds.
Welfare or correctional institutions	1 for each five beds
Schools	Elementary or Junior High, 1.5 for each teaching station plus 4 for every classroom, or 1 for every 42 square feet of seating area where there are no fixed seats in auditorium or assembly area
	High Schools, 1.5 for each teaching station, plus 8 for every classroom or 1 for every 28 square feet of seating area where there are no fixed seats in an auditorium or assembly area.
 <u>Commercial Types</u>	
Medical/Dental clinics	1 for each 200 square feet of gross floor area.
Retail establishments and automobile service garages, except as otherwise specified herein	1 for each 300 square feet of gross floor area.
Barber and beauty shops	1 for each 200 square feet of gross floor area.

Bowling alleys	6 for each bowling lane
Pharmacies	1 for each 150 square feet of gross floor area.
Retail stores handling bulky merchandise, household furniture, or appliance repair shops	1 for each 600 square feet of gross floor area.
Office buildings, business and professional offices	1 for each 400 square feet of gross floor area.
Establishments or enterprises of a recreational or an entertainment nature.	
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	1 parking space for each 2 persons at the rated maximum occupancy of the building.
Participating type, e.g., skating rinks, dance halls	1 for each 75 square feet of gross floor area.
Establishments for the sale and consumption on the premises of food and beverages	1 for each 60 square feet of gross floor area.
Industrial Types	
Except as specifically mentioned herein	1 for each 500 square feet of gross floor area.
Wholesale and storage co-operations	1 for each 700 square feet of gross floor area.
Laboratories and research facilities	1 for each 300 square feet of gross floor area.
Machinery or equipment sales	1 for each 400 square feet of gross floor area.

**16-7 PARKING REQUIREMENTS FOR USES NOT SPECIFIED:** The parking space requirements for buildings and uses not set forth herein shall be determined by the City Council and such determination shall be based upon the requirements for the most comparable building or use specified herein.

**16-8 COMMON FACILITIES FOR MIXED USES:**

- A. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered to provide parking facilities for any other use except as provided below.
- B. Joint Uses Of Parking Facilities: The City Council may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:

1. The applicant shows that there is no substantial conflict in the principal operating use of the building or use for which the joint use of parking facilities is proposed.
2. The parking facility for which joint use is proposed is not further than 400 feet from the building or use required to have provided parking.
3. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming of the provision of this ordinance, shall be recorded in the office of the County Recorder and copies thereof filed with the City Clerk.

**16-9 OFF-STREET LOADING:** Building to be built or substantially altered that receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

- A. The following standards shall be used in establishing the minimum number of berths required:

Loading Berths Required	
Gross floor area of the Building in Square Feet	Number of Berths
Up to 10,000	1
10,000 and over	2

- B. A loading berth shall contain a minimum space ten (10) feet wide and thirty-five (35) feet long, and have a vertical clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

**16-10 GENERAL PROVISIONS; OFF-STREET LOADING:** The following provisions shall apply to off-street loading facilities:

- A. The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of property for which the building permit is issued and shall be conditional upon the unqualified continuance and availability of the amount of loading space required by the Ordinance. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of the Ordinance to begin or maintain such altered use



until such time as the increased off-street loading requirements are met.

- B. Owners of two or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, leases or contracts to establish the joint use.
- C. A plan drawn to scale, indicating how the off-street loading requirements are to be fulfilled, shall accompany an application for loading areas.
- D. Design Requirements for Loading Areas:
  - 1. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces of asphalt concrete or Portland cement concrete, maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks. Drainage shall be kept on-site and designed to percolate into the ground from the containment area.
  - 2. Loading areas adjacent to residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in residential district or on any adjacent dwelling.
  - 3. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
  - 4. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line and a straight line joining said lines through points twenty (20) feet from their intersection.

SECTION 17  
NON-CONFORMING USES, BUILDINGS, AND LOTS

- 17-1: Purpose
- 17-2: General Provisions
- 17-3: Schedule of Continuance: Non-conforming "Open" Land Uses
- 17-4: Non-conforming Mobile Homes
- 17-5: Non-conformities Under permit Authority

**17-1 PURPOSE:** It is the intent of this Ordinance to permit non-conforming uses, buildings, and lots to continue until they are removed or altered in such a manner to bring them into conformance. It is further the intent of this Ordinance that non-conforming uses, buildings, and lots shall not be enlarged upon, expanded or extended in such a manner as to increase their non-conformity, without approval of the City Council, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**17-2 GENERAL PROVISIONS:**

- A. The lawful use of land or structures existing on the effective date of this ordinance may be continued.
- B. A non-conforming structure which conforms with respect to use may be altered or expanded if the alteration, expansion or addition is in conformance with the standards of this Ordinance.
- C. If non-conforming use is discontinued for a period of six (6) consecutive months further use of the property shall conform to this Ordinance.
- D. A non-conforming use, if changed to a conforming use, may not thereafter be changed back to a non-conforming use.
- E. Normal repairs and alterations may be made to a lawful non-conforming building, provided that no structural alterations have been made, except those required by law. No existing non-conforming structure designed, arranged, intended for or devoted to, a use not permitted under this ordinance for the district in which such structure is located shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use permitted under the regulations specified by this ordinance for the district in which said building is located; and provided, further, that nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe and ordered to be strengthened or restored to a safe condition, unless such building has been destroyed by an extent exceeding seventy-five (75) percent of full value, as determined by consideration of the assessed value referred to above.
- F. When a building or other structure containing a non-conforming use is damaged by fire or by any other cause so that the cost of renewal of

the damaged parts exceed seventy-five (75) percent of the cost of the replacement of the entire building (exclusive of foundations) using new materials, then such building shall not be rebuilt unless the building and its construction and uses conform fully to this ordinance and other codes of the city as applied to new buildings. The determination of whether a building is destroyed to the extent described above shall rest with the Council.

**17-3 SCHEDULE OF CONTINUANCE: NON-CONFORMING “OPEN” LAND**

**USES:** All use of land for outdoor work or storage purposes, which after the adoption of this ordinance or amendments thereto, exist as a non-conforming use, shall be completely enclosed within a sight-obscuring fence within three (3) years.

**17-4 NON-CONFORMING MOBILE HOMES:** Notwithstanding anything to the contrary in this Section referring to non-conforming uses, any mobile home as in this Ordinance defined which constitutes a non-conforming use in that the permissive uses of the district in which it is located does not permit such mobile home to occupy the lot may be removed from the premises and replaced with one that is a newer and larger model and of equal or better aesthetic appearance within thirty (30) days from the date of removal from the lot. Any mobile home that is destroyed by fire to the extent that it is no longer habitable may, within thirty (30) days of the destruction, be replaced with one that is at least the equivalent of the one destroyed. The density and bulk requirements of the zone and/or district must be met in the event of replacement as in this paragraph provided. If a variance to those requirements is requested of the Commission, the time required to obtain a variance as in this Ordinance provided shall be added to the above specified time period.

**17-5 NON-CONFORMITIES UNDER PERMIT AUTHORITY:** Nothing contained in this regulation shall require any change in the plans, construction, alteration or designated use of a structure upon which construction has legally commenced or a permit has been obtained prior to the effective date of this ordinance. If the designated use will be non-conforming, the construction of such use shall be commenced within six (6) months of permit issuance and it shall be in operation within two (2) years from the effective date of this ordinance, otherwise, future use of the property shall be in conformance with the zoning district in which the property is located.

## SECTION 18 APPEALS

- 18-1: Administrative Appeals
- 18-2: Stay of Proceedings
- 18-3: Action by the Commission
- 18-4: Action by Council
- 18-5: Request for Hearing by Affected Persons

**18-1 ADMINISTRATIVE APPEALS:** Unless otherwise provided, any person aggrieved or any officer or bureau of the legislative authority affected by any decision of the Administrator may within the fourteen (14) days after the date of the Administrator's decision file a notice of appeal with the Planning and Zoning Commission specifying the grounds upon which the appeal is being taken.

**18-2 STAY OF PROCEEDINGS:** An appeal stays all proceedings in furtherance of the action taken unless such stay would cause imminent peril to life and property as determined by the Council.

**18-3 ACTION BY THE COMMISSION:**

- A. The Commission shall hold a de novo public hearing on appeals from decisions of the Administrator within the thirty (30) days following the date of the notice of appeal was filed.
- B. The Commission shall publish a copy of the notice of appeal with the time, place and date of the hearing, in a newspaper of general circulation in the City, once, at least fifteen (15) days before the date of the public hearing.
- C. The Commission shall, within fifteen (15) days following the hearing, issue a written decision affirming, reversing or modifying the Administrator's decision. The written decision and shall contain the reasons for such decision.
- D. The Commission's decision is final unless appealed to the Council.

**18-4 ACTION BY COUNCIL:**

- A. Any person aggrieved or any officer or bureau of the legislative authority affected by any decision of the Commission may within seven (7) days of the date of the Commission's decision file a notice of appeal with the City Council specifying the grounds upon which the appeal is being taken.
- B. The City Council shall hold a public hearing as soon as possible following the filing of the notice of appeal. The Council shall publish a copy of the notice of appeal in the same manner as outlined under 18-3.B.
- C. The Council shall, within the fifteen (15) days following the hearing, issue a written decision affirming, reversing or modifying the

Administrator's decision. The written decision shall contain the reasons for such decision.

- D. Local Appeal Process Exhausted: All local appeal remedies are considered exhausted following a decision made by the Council at a properly noticed public hearing. A person denied a permit or aggrieved by a decision made by the Council following a public hearing before the Council may within twenty-eight (28) days following the date of the final decision seek judicial review under the procedures provided by Idaho Code.

**18-5 REQUEST FOR HEARING BY AFFECTED PERSONS:** Any affected person may at any time prior to final action on Rezone, Conditional Use, or Variance, if no hearing has been held on the application, petition the Commission or Council in writing to hold a public hearing as outlined by Section 67-6512, Idaho Code; provided, however, that if twenty (20) affected persons petition for a hearing, the hearing shall be held.

SECTION 19  
ADMINISTRATION

- 19-1: Administrator
- 19-2: Duties of the Commission
- 19-3: Conflict of Interest
- 19-4: Zoning Permits Required
- 19-5: Zoning Permit Review
- 19-6: Complaints and Violations
- 19-7: Penalties
- 19-8: Schedule of Fees, Charges and Expenses

**19-1 ADMINISTRATOR:** The council may appoint an Administrator to administer this ordinance.

For the purpose of this ordinance, the Administrator may have the following duties:

- A. Advise interested persons of the Zoning Ordinance provisions;
- B. Notify the news media regarding matters of public interest;
- C. Aid applicants in the preparation and expedition of required applications;
- D. Issue zoning permits, notifications and such similar administrative duties;
- E. Assist the Commission and Council in carrying out the provisions of this ordinance.

**19-2 DUTIES OF THE COMMISSION:** For the purpose of this ordinance the Commission shall have the following duties:

- A. Initiate proposed amendments to this ordinance;
- B. Review all proposed amendments to this ordinance and make recommendations to the Council;
- C. Review conditional use permits as specified in the ordinance and under the conditions as herein detailed with such additional safeguards as will uphold the intent of this ordinance;
- D. Hear and decide appeals where it is alleged there is an error in any order, requirements, decision, interpretation or determination made by the Administrator;
- E. Review such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship ,and so that the spirit of this ordinance shall be observed and substantial justice done; and

**19-3 CONFLICT OF INTEREST:** The Council creating a Commission shall provide that the area and interests within its jurisdiction are broadly represented on the Commission. A member or employee of the Council or

Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him by affinity or consanguinity within the second degree has economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this Section shall be a misdemeanor.

**19-4 ZONING PERMITS REQUIRED:** No person shall undertake any construction or use for which a zone change, conditional use, or variance is required or any type of activity that requires a building permit without first obtaining the applicable permit from the proper authority.

**19-5 ZONING PERMIT REVIEW:**

- A. Within thirty (30) days after the receipt of an application, the Administrator shall either approve or disapprove the application if in conformance with the provisions of this ordinance.
- B. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year.
- C. One copy of the plans shall be returned to the applicant by the Administrator after the Administrator has marked the copy either as approved or disapproved and attested to the same by signature of such copy.
- D. One copy of the plans shall be retained by the Administrator.
- E. If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire.
- F. Failure to obtain a zoning permit is a violation of this Ordinance.

**19-6 COMPLAINTS AND VIOLATIONS:** Whenever a violation of this ordinance occurs, or it's alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrator. The Administrator shall properly record the complaint, immediately investigate and take action thereon as follows:

- A. Upon determination by the Administrator that a violation of this Ordinance has occurred he shall notify the responsible party of the violation. The notice of violation shall be in writing and shall include:
  - 1. A description of the premises sufficient for identification.
  - 2. A statement indicating the nature of the violation.
  - 3. A statement of the remedial action necessary to effect compliance.
  - 4. The date before which the violation shall be corrected.
  - 5. A statement that failure to obey may result in further action.
- B. The notification of violation is deemed to have been properly served to the responsible party if it is served to him personally or sent by certified mail to his last know address.

**19-7 PENALTIES:** The City Attorney may, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this ordinance. Penalties for failure to comply with or violations of the provisions of this ordinance shall be as follows:

“Violations of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Idaho Code.”

**19-8 SCHEDULE OF FEES, CHARGES AND EXPENSES:** The Council shall establish by resolution a schedule of fees, charges and expenses and a collection procedure for Zoning Permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, consultation services, postage, and other expenses.

In addition, the applicant shall pay to the City of New Meadows the cost of legal publication and attorney fees required for legal opinions, research and investigation of matters required by this ordinance and/or Idaho Code.

The schedule of fees shall be on file in the office of the City Clerk, and may be altered or amended only by the Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on the application or appeal.



SECTION 20  
AMENDMENTS

- 20-1: Purpose
- 20-2: Initiation of Zoning Amendments
- 20-3: Contents of Application
- 20-4: Zoning Amendment Procedure
- 20-5: Action by Commission
- 20-6: Action by Council
- 20-7: Resubmission of Application
- 20-8: Zoning Upon Annexation

**20-1 PURPOSE:** Whenever the public necessity, convenience, general welfare or good zoning practices require, the Council may, by ordinance, after receipt of recommendation thereon from the Commission and subject to procedures provided by Idaho Code, Section 67-6511, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

**20-2 INITIATION OF ZONING AMENDMENTS:** Amendments to this ordinance may be initiated in one of the following ways:

- A. By adoption of a motion by the Commission;
- B. By adoption of a motion by the City Council; and
- C. By the filing of an application by a member of the public.

**20-3 CONTENTS OF APPLICATION:** Applications for amendments to the Official Zoning Map adopted as part of this ordinance shall be filed with the Administrator and contain at least the following information:

- A. Name, address and phone number of the applicant and his representative.
- B. Proposed amending ordinance, approved as to form by the City Council;
- C. Present land use;
- D. Present zoning district;
- E. A vicinity map at a scale approved by the Commission showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require;
- F. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered which must be provided by and certified to by a licensed title company doing business in Adams County, Idaho.
- G. A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities and compatibility with the surrounding area; and
- H. A fee as established by the Council in accordance with this Ordinance.

**20-4 ZONING AMENDMENT PROCEDURE:** The Zoning Ordinance shall be amended in the following manner:

- A. Requests for an amendment to the Zoning Ordinance shall be submitted to the Commission, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.
- B. If the request is in accordance with the adopted Comprehensive Plan, the Commission may recommend that the City Council adopt or reject the requested amendment under the notice and hearing procedures as herein provided; and
- C. If the request is found to not be in accordance with the Comprehensive Plan, the Commission shall recommend that the City Council reject the requested amendment.
- D. Requests for an amendment to the Zoning Ordinance shall then be submitted to the Council, which shall evaluate the request at a public hearing to determine the extent and nature of the amendment requested.
- E. If the request is in accordance with the adopted Comprehensive Plan, the City Council may adopt or reject the requested amendment under the notice and hearing procedures as herein provided; and
- F. If the request is found to not be in accordance with the Comprehensive Plan, the Council shall reject the requested amendment.

**20-5 ACTION BY COMMISSION:** The Commission shall hold a public hearing and make recommendations to the City Council on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

- A. Zoning Ordinance Text Amendment: Not more than sixty (60) days following the filing of the application, the Commission, prior to recommending a Zoning Ordinance Text Amendment to the City Council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the newspaper designated as the official newspaper of the City of New Meadows. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the amendment with its recommendation to the Council.
- B. Zoning Ordinance Map Amendment: Not more than sixty (60) days following the filing of the application, the Commission, prior to recommending a Zoning Ordinance Map Amendment that is in accordance with the Comprehensive Plan to the City Council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the newspaper designated as the official newspaper of

the City of New Meadows. Additional notice by First Class US Mail to the attention of the Administrator shall be provided by the applicant to property owners and residents within the land being considered; three hundred (300) feet of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification, three (3) notices in the newspaper designated as the official newspaper of the City of New Meadows is sufficient, provided that, the third notice appears ten (10) days prior to the public hearing.

- C. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards its recommendation to the Council.

**20-6 ACTION BY COUNCIL:** The Council, prior to adopting, revising, or rejecting the amendment to the Zoning Ordinance as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the City Council hearing, if the Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

Upon granting or denying an application to amend the Zoning Ordinance, the Council shall specify:

- A. The ordinance and standards used in evaluating the application;
- B. The reasons for approval or denial.

**20-7 RESUBMISSION OF APPLICATION:** No application for a reclassification of any property which has been denied by the Council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one (1) year from the date of such final action; unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.

**20-8 ZONING UPON ANNEXATION:** Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Commission on the proposed Comprehensive Plan and Zoning Ordinance changes for the unincorporated area. The Commission and the Council shall follow the notice and hearing procedures provided in Idaho Code, Section 67-6509. Concurrently or immediately following the adoption of an Ordinance of Annexation, the City Council shall, if necessary, amend the Comprehensive Plan and the Zoning Ordinance.

## SECTION 21 DESIGN REVIEW

- 21-1 PURPOSE
- 21-2 APPLICABILITY
- 21-3 REVIEW BODIES AND PROCEDURES
- 21-4 DESIGN REVIEW PROCESS
- 21-5 PERMITS
- 21-6 DESIGN REVIEW CRITERIA
- 21-7 DESIGN GUIDELINES
- 21-8 LAPSE OF DESIGN REVIEW APPROVAL

**21-1 PURPOSE:** The purpose of this Section is to specify the process whereby the City of New Meadows incorporates design guidelines into new construction and remodeling of structures, landscaping, lighting and public amenities within the City and the Area of City Impact.

**21-2 APPLICABILITY:** Design review approval is required for any development that is a commercial, industrial, public or semi-public development, any sign in the city limits or area of impact and multi-family developments of three or more units. Design review will not be required for the following building or site modifications:

- 1) Interior remodeling of a structure which does not impact the exterior appearance of the structure or significantly impact the parking, landscaping or other exterior uses of the property.
- 2) Repairs to an existing building if the outward appearance is not significantly changed.
- 3) Improvements to or maintenance to an existing building or site where these do not significantly impact the outward appearance of the building or site.

Applications for non-emergency temporary structures are not subject to design review, but are subject to the conditional use process.

Any application within a residential zone which is subject to a subdivision design approval, and for which the design guidelines of the subdivision have been reviewed and approved by the Planning Commission, shall show evidence of subdivision design review and approval by the authority of the subdivision prior to the granting of a building permit. Absent such evidence, the applicant shall proceed under the procedures below.

**21-3 REVIEW BODIES AND PROCEDURES:** All projects to which this chapter applies shall be reviewed by the Administrator and Commission as follows:

- 1) Administrator: The applicant shall file conceptual drawings with the Administrator for design review and placement on the Commission agenda.

- 2) Commission: The Commission will review the application using the Design Review Criteria in 21-6, Design Guidelines in 21-7 and other applicable City codes. If the Commission determines a public hearing is needed, a public hearing date will be set, legal notices sent to property owners within 300 feet of the property and published in compliance with Idaho Code. The Commission will forward their recommendation to the City Council.
- 3) City Council: The City Council will review the application, the design standards and the Commission's recommendations in their deliberations for final approval, approval with conditions or denial.

**21-4 DESIGN REVIEW PROCESS:** A pre-application conference with the Administrator is recommended. At this meeting, the Administrator will familiarize the potential applicant with the review process that will apply to the project and with related City regulations and review criteria that may affect the project. The applicant shall provide site-specific information including conceptual drawings in order to familiarize the City with the specifics of the proposal.

A Design Review application, as provided by the City, shall be submitted for design review. All application materials must be submitted sixty (60) days prior to any hearing before the Commission.

The Administrator may ask City department heads to review the project application for conformance with City development requirements.

Public notices must be provided to all property owners within 300 feet of the project site in those cases where a hearing before the Commission is to be held. The applicant shall provide the list of adjacent property owners by securing the list from a title company doing business in Adams County.

The Commission will review the application and recommend approval, conditional approval or denial based on the Comprehensive Plan and the criteria and standards outlined in 21-6 and 21-7.

The City Council will review the application and grant approval, conditional approval or deny the application based on the Commission's recommendations, the Comprehensive Plan and the criteria and standards as outlined in 21-6 and 21-7.

**21-5 PERMITS:** In order for a building permit to be issued, design review approval must be obtained and final construction drawings must be reviewed and approved by the Building Inspector. Application for a building permit must occur within one (1) year of the City Council's final approval. The expiration date may be extended once for an additional six (6) months upon written request to the Administrator establishing cause. Such request must be received prior to the expiration date. The Commission shall review and approve or deny the request for extension.

**21-6 DESIGN CRITERIA:** The Commission shall determine the following before approval is given:

- 1) The project is in general compliance with the community's Comprehensive Plan.
- 2) The project does not jeopardize the health, safety or welfare of the public.
- 3) The project conforms to the applicable specifications outlined in the Zoning Ordinance and Subdivision Ordinance as adopted by the City of New Meadows.
- 4) If applicable, a subdivision design review document that has been reviewed and approved by the Commission may be used in lieu of the design guidelines in 21-7.

**21-7 DESIGN GUIDELINES:**

- 1) Scale each building so that it does not dominate the site.
- 2) New construction should be compatible with existing adjacent buildings and uses, such as; shapes, heights, parking arrangements, roof pitches, window shapes, building materials, porch and entrance orientations. It should not create noise, use nuisances or unpleasant traffic for adjacent properties.
- 3) Buildings should be sited in a manner to preserve water courses and natural site features.
- 4) Site design should not change natural drainage patterns. Site grading should retain storm drainage on-site and not push drainage onto neighboring property or into public rights of way. Drainage design should avoid the concentration and acceleration of runoff. Cuts and fills should have good surface drainage and must be re-vegetated, terraced or controlled by retaining walls to protect against erosion and sedimentation.
- 5) Areas for snow storage shall be provided. Snow storage areas should be incorporated into site design with those areas for snow removed from driveways and parking lots. These sites may be landscaped areas with salt tolerant and resilient plant materials. Improved parking areas shall have at least 25% of the improved parking and circulation areas for snow storage. Plowing snow from private property onto public streets or rights of way is prohibited. Snow storage should not block visibility for motorists. It may be necessary to remove snow from the site and find a disposal location, with the disposal location property owner's written permission.
- 6) Roof design should anticipate snow shedding and drip line areas. Do not place walkways, entries, decks or landscaping where they maybe damaged by falling snow. Roof pitches should be designed so falling or melting snow, ice or rain will not threaten human safety or property.
- 7) Site design should consider the placement and screening of service areas and structures. Utility meters and service functions, including propane tanks, should not be visible on the primary facades of buildings or in the front yard areas. Minimize the visual impact of trash storage and pickup areas.
- 8) Minimize the visual impact of off-street parking and loading areas. Parking should be located in the rear of buildings or screened so that it does not dominate the streetscape. Fences, hedges, berms and landscaping may be used to screen parking areas. In large parking areas, design bays of stalls that

are separated by landscaping. These areas may provide snow storage areas in winter. Sufficient truck storage should be maintained on-site to allow efficient delivery service without conflicts with auto and pedestrian traffic while that service is being performed. Pedestrian circulation should be clearly identifiable through the use of continuous sidewalks and /or separated walkways within parking areas.

9) On-site parking for commercial or industrial projects must be designed to allow vehicles forward entry and exit from the site.

10) Building design should blend with the community and continue the small town feeling of New Meadows. Some of the ways this can be achieved is by utilizing voids and masses as well as details, textures and colors on building facades. Another way is to define the human area by structural elements like covered walkways, overhangs, entries, landscaping and berms. Any addition to existing buildings should be designed to appear as though it were part of the original building or appropriately designed to enhance the original building.

11) Mechanical equipment and solar panels must be hidden or de-emphasized so that they are not readily visible from nearby properties. Roof access, stairways, elevator shafts, skylights, solar panels, vent shafts, mechanical equipment areas, antennae, etc. shall not protrude from the roof to form awkward looking appurtenances. No reflective materials may be used unless thoroughly shielded to prevent reflection onto adjoining or nearby properties. The use of alternate energy sources is encourage, but the associated equipment should be incorporated as an integral part of the building's design and not as an add-on which will detract from the building's appearance.

12) Multi-unit structures should emphasize the individuality of units by variations in roof lines or walls or other human scale elements. Breaking the facades and roofs of buildings softens the institutional appearance which may accompany large buildings. Balconies and porches may be designed as interesting features. They must prevent snow accumulation, interior leaks and icicle buildup.

13) Wall materials should convey a sense of human scale and warmth. The use of natural wood, logs and stone is encouraged. Exterior wall colors should be in harmony with the site and surrounding buildings. Exterior walls should tend toward the warm earthy tones. Accent colors on confined entries and gathering points can enliven buildings. In most cases only one or two accent colors should be used in addition to the base color. Harshly contrasting color combinations should be avoided. Brilliant, luminescent or day-glow colors should be avoided.

14) Light fixtures should be designed to contain lighting on-site, shielded from overlapping on neighboring properties. The lighting should adequately light the site for the safety of the residents and for public use.

15) Landscaping should be an integral part of the project design and not used to fill in the unused area of the lot. It should enhance the site and enhance the livability and enjoyment of the residents and public use of the site. All disturbed areas must be re-vegetated. Large areas of loose cobbles or gravel are discouraged except for paths or driveways. Plans for continued maintenance

of newly landscaped areas are a must. Drought tolerant plant species should be used wherever possible to reduce water demand. An irrigation system independent of the municipal water system shall be established as part of the landscape plan. Automatic irrigations systems for commercial, industrial, condominium and large scale residential projects shall be designed and installed. Storm water shall be retained on-site and may be used to irrigate landscaping plant materials. Make sure there is funding or a funding mechanism for maintenance and operation of the system.

16) Utility installations, such as: electricity, cable TV, telephone, shall be underground.

17) The standard for public sidewalks in residential districts is five (5) foot wide, cast in place, concrete sidewalk with score lines and expansion joints on a square grid with a broomed finish. Commercial and Industrial districts require eight (8) foot sidewalks.

**21-8 LAPSE OF DESIGN REVIEW APPROVAL:** A design review approval shall lapse and become void whenever the building permit either lapses or is revoked or whenever the applicant has not applied for a building permit within one (1) year from the date of initial design review approval.



SECTION 22  
CONDOMINIUM AND CONDOMINIUM CONVERSIONS

- 22-1 General Provisions
- 22-2 Application and Approval
- 22-3 Condominium Conversion
- 22-4 Design Standard
- 22-5 Enforcement

**22-1 GENERAL PROVISIONS**

**22-1-10 SHORT SECTION:** This section shall be known as the New Meadows Condominium Ordinance.

**22-1-20 PURPOSE AND OBJECTIVES:**

- 1) The procedure and requirements of this section shall apply to and govern the construction and / or conversion of condominiums, and approval of bylaws, plat maps, and declarations for condominium projects within the corporate limits of the City. Said provisions shall supplement zoning, health, building or other ordinances which may be applicable to a particular condominium project, and shall apply to the approval of condominium projects involving new construction as well as conversion of existing structures.
- 2) The procedures set forth herein are intended to recognize the unique characteristics of condominiums and condominium conversions and to provide a review process and a set of standards which will address these unique characteristics and to reduce any negative impacts upon the community, neighborhood areas, or prospective owners which may result from the creation of a condominium or condominium conversion.
- 3) Condominium ownership differs in numerous respects from conventional building ownership. It is in the interest of the public health, safety and welfare that condominium projects should be reviewed and approved by the City and appropriately regulated for the protection of the community, displaced tenants, and prospective purchasers of condominium units.
- 4) In addition, condominium projects which contemplate dedication of real property or improvements for the use of the public or condominium projects which convey specific title to land, or projects which are not contained in existing or proposed buildings, shall also be considered subdivisions requiring compliance with applicable provisions of the New Meadows Subdivision Ordinance.

**22-1-30 DEFINITIONS:** Whenever any words or phrases used in this section are not defined herein, but are defined in related sections of the Idaho Code, in the City's Zoning Ordinance or Subdivision Ordinance, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular and plural. The term shall is always mandatory and the term may is permissive. The following terms, as used in this section, shall have the respective meanings hereinafter set forth.

- 1) **Building** means a building containing units and comprising a part of a property.
- 2) **Condominium** means the ownership of a single unit in a multi-unit project, together with an undivided interest in common in the facilities and common areas of the property.
- 3) **Condominium project** means a real estate condominium project; a plan or project whereby two or more units in a single building, whether contained in existing or proposed apartments, commercial or industrial buildings, or structure or otherwise, are separately offered or proposed to be offered for sale. Condominium project shall also mean the property when the context so requires.
- 4) **Condominium unit** means a unit, together with the undivided interest in common areas and facilities appertaining to that unit. Any reference in this section to a condominium unit includes both a physical unit, together with its appurtenant and undivided interest in common areas and facilities.
- 5) **Conversion** means a proposed change in the type of ownership of a parcel or parcels of land and / or existing structures from single ownership, such as an apartment house or multifamily dwelling into a "condominium project", as herein defined with arrangements involving separate ownership of individual condominium units and joint collective ownership of common areas or facilities.
- 6) **Common Areas and Facilities**, unless otherwise provided in the declaration or lawful amendments thereto, mean and include:
  - a) The land included within the condominium project, whether leasehold or in fee simple;
  - b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of the building;
  - c) The basements, yard, gardens, parking areas, snow storage areas, drainage retention areas and storage spaces;
  - d) The premises for lodging of janitors or persons in charge of the property;

- e) Installations of central services such as power, lights, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;
  - f) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general, all apparatus and installations existing for common use;
  - g) Such community and commercial facilities as may be provided for in the declaration; and
  - h) All other parts of the property necessary or convenient to its existence, maintenance and safety or normally in common use.
- 7) **Common Expenses** mean and include:
- a) All sums lawfully assessed against the unit owners;
  - b) Expenses of administration, maintenance, repair or replacement of the common areas and facilities;
  - c) Expenses agreed upon as common expenses by the association of unit owners; and
  - d) Expenses declared common expenses by provisions of this section or by the declaration of the bylaws.
- 8) **Declarant** means all persons who execute the declaration or on whose behalf the declaration is executed. From the time of the recordation of any amendment to the declaration expanding an expandable condominium, all persons who execute that amendment or on whose behalf that amendment is executed shall also come within this definition. Any successors of the persons referred to in this subsection who come to stand in the same relation to the condominium project as their predecessors did shall also come within this definition.
- 9) **Declaration** means a recorded declaration containing covenants, conditions and restrictions relating to the condominium project which shall be prepared in conformance with this section.
- 10) **Limited Common Areas and Facilities** mean and include those common areas and facilities designated in the declaration as reserved for use of a certain unit or units to the exclusion of the other units.
- 11) **Open space** means landscaped areas that are not occupied by buildings, structures, parking areas, streets or alleys and are devoted to recreational use or preservation of natural features.
- 12) **Property** means and includes the land, whether leasehold or in fee simple, the building, if any, all improvements and structures thereon and all articles of personal property intended for use in connection therewith.
- 13) **Person** means any person, firm, corporation, partnership or association.
- 14) **Plat** means a plat or plats of survey of land and units prepared in accordance with the requirements of the New Meadows Subdivision Ordinance.

- 15) **Unit** means either a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors ( or part or parts of floors) in a building.
- 16) **Unit number** means the number, letter or combination thereof designating the unit in the declaration and on the record of project map.
- 17) **Unit owner** means the person or persons owning a unit in fee simple and an undivided interest in fee simple of the common areas and facilities in the percentage specified and established in the declaration.

## **22-2 APPLICATION AND APPROVAL**

**22-2-10 APPROVAL REQUIRED:** Prior to the construction or conversion of any building to be used as a condominium, the plat map, the bylaws and the declaration therefore shall be submitted to and be approved by the City in conformance with the procedures, requirements and standards contained herein.

**22-2-20 PRELIMINARY APPLICATION:** The owner or developer of a proposed condominium project desiring approval shall file an application with the planning Administrator on a form prescribed by the City. Said application shall be accompanied by:

- 1) Six (6) copies of a preliminary plat accurately drawn to scale which shall be prepared by an engineer or land surveyor licensed and registered in the State of Idaho. The scale of said plat shall be no smaller than one inch equals 50 feet. The preliminary plat map should conform in all respects to the New Meadows Subdivision Ordinance.
- 2) Six (6) copies of a site plan prepared to the same scale as the plat map designating the location of buildings, present and needed utilities and irrigation ditches, and intended uses of common areas, the location of utility lines and easements and the location and extent of storage, recreational facilities, parking, driveways, pedestrian ways, curbs, walls, fences, landscaping, snow storage areas and sprinkling systems.
- 3) Four copies of the proposed condominium declarations and bylaws.
- 4) Where conversion of an existing building is proposed as part of the condominium project, a property report containing the information specified in this section shall be submitted as part of the application together with a plan for all proposed improvements and repairs.
- 5) Proof of Notice to Tenant shall be submitted prior to final condominium approval.

- 6) Fees shall be submitted with an application in amounts as established by City Council resolution.

**22-2-30 PRELIMINARY EVALUATION:** The Planning Administrator shall check the preliminary application for general compliance with these regulations, design standards and other applicable ordinances. If the application is not complete or not in general compliance, the Administrator shall notify the declarant and specify the respects in which it is deficient. If the submission is complete and in general compliance, the declarant shall transmit the requested number of copies of the development plans, together with the accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may forward to the Administrator a written report of its findings and recommendations. These agencies shall include, but not necessarily be limited to Southwest District Health Department, Idaho Power Company, Meadows Valley Rural Fire Protection District, Frontier Telephone Company, Cable One TV, New Meadows Public Works and the Meadows Valley Public School District.

**22-2-40 ACTION BY THE PLANNING & ZONING COMMISSION and CITY COUNCIL – PRELIMINARY:** Within a reasonable time after the filing of a condominium application, the Planning Commission shall act thereon. If the Planning Commission finds that the proposed development complies with the requirements of this section and that it is satisfied with the development plans, it shall recommend approval, or approval with conditions, of the application. If the Planning Commission finds that the proposed development does not meet the requirements of this section, or other applicable ordinances, it shall recommend disapproval of such development or ask the applicant to meet the requirements and begin the process over.

Upon receipt of the Commission's recommendation and the preliminary application, the City Council will review the application, the Commission's recommendation and applicable regulations in their deliberation toward preliminary approval, approval with conditions or denial. The City Council may require the drafting of a Development Agreement outlining the responsibilities and expectations of the applicant and the City pursuant to the project.

**22-2-50 NOTIFICATION OF APPROVAL:** The Administrator shall notify the declarant in writing of the actions taken by the City Council. One copy of the plan and accompanying conditions, if applicable, and the minutes of the City Council meeting shall be retained in the permanent files of the City. Notification of affirmative action by the City Council shall be authorization for the declarant to proceed with the preparation of specifications for the improvements required by City ordinances and with the preparation of final plans.

**22-2-60 EFFECT OF PRELIMINARY APPROVAL:** Approval of the preliminary application shall in no way relieve the declarant of the responsibility

to comply with all required conditions and ordinances and to provide the improvements and easements necessary to meet all City standards.

**22-2-70 FINAL EVALUATION:** The Administrator shall check the final application for completeness and general compliance with this section and for incorporation of any changes required during the preliminary approval procedure. If the submission is not complete, not in general compliance or does not incorporate required changes, the Administrator shall notify the declarant and specify the respects in which it is deficient. If the submission is complete and incorporates required changes, the Administrator shall refer the application to the Public Works Department and other applicable agencies for their approval or direct the applicant to secure such approvals.

**22-2-80 ACTION BY PLANNING COMMISSION – FINAL:** Upon receipt of the final plans, which will include the development agreement if required and a final plat, the Planning Commission shall examine the plans to determine whether they conform to the preliminary plans, with all changes requested and all requirements imposed as conditions of acceptance. If the Planning Commission determines that the plans are in conformity therewith, it shall recommend approval of the final plat. If the Planning Commission determines that the final plans do not conform to the preliminary plans as approved, it shall advise the declarant of the changes or additions that must be made for approval. The declarant shall be responsible for notifying the Administrator that the application is ready to go to the City Council for final plat approval. If such notification is not given within 12 months from the date of final approval by the Planning Commission, such approval shall be null and void. This time period may be extended for up to 12 months if the applicant petitions the Planning Commission for an extension prior to the expiration date and shows justifiable cause for the extension. Only one extension shall be granted.

**22-2-90 ACTION BY THE CITY COUNCIL:** Within 30 days following the receipt of the Planning Commission recommendation and completed final plans, the City Council shall consider the application and any offers of dedication. If the City Council determines that the plans are in conformity with the requirements of this section and other applicable ordinances and that it is satisfied with the plans of the development and offers of dedication, it shall approve the plat and plans.

If the City Council determines that the plans are not in conformity with the requirements of this section, other applicable ordinances, any reasonable conditions imposed, or if it shall reject any offer or offers of dedication, it shall disapprove the plan specifying reasons for such disapproval. Within 1 year after the City Council has disapproved any plan, the applicant may file with the Administrator a plan altered to meet the requirements of the City Council. No final plat or plans shall have any force or effect until the same has been approved by the City Council.

**22-2-100 PERFORMANCE BOND:** Bonding shall be required as specified in the New Meadows Subdivision Ordinance when any public improvements are required in conjunction with a new condominium project or with a condominium conversion.

**22-2-110 RECORDING OF FINAL PLAT:** After City Council approval, completion of the Development Agreement and bonding agreement, completion of the required public improvements, City Council acceptance of the public improvements and the proper signing of the final plat, the applicant shall present the final plat to the Adams County Clerk for recordation. The applicant shall provide the City two copies of the recorded final plat.

**22-2-120 EXPIRATION OF FINAL APPROVAL:** If the requirements set forth in Section 22-2-110 above are not met by the applicant within six months from the date of City Council approval, such approval shall be null and void.

### **22-3 CONDOMINIUM CONVERSION**

**22-3-10 REPORT OF PROPERTY CONDITION:** As an element of any application for a condominium which includes the conversion of existing structures, the owner or developer shall submit a Report of Property Condition which is intended to insure that the standards of the declaration appropriately address existing and future conditions related to maintenance, upkeep and operation. The report of property condition shall be submitted on a form provided by the City and shall contain the following information:

- 1) The age of the building or buildings with copies of original building plans and a disclosure of whether or not the actual building conforms to the plans.
- 2) Condition of structural elements, including roof, foundations, walls, mechanical systems, electrical systems, plumbing system and heating system. A plan showing which parts of the system are maintained in common and which are maintained by individual units.
- 3) Size of water service lines from meter to main and from meter to building or buildings.
- 4) Size and location of sewer lateral.
- 5) Capacity of electrical service for each unit measured in amps.
- 6) Condition of paving materials on private streets, if any.
- 7) Condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs, etc. Detailed plan of parking and traffic circulation.
- 8) Condition of paint and / or exterior surfaces of all buildings and structures.
- 9) All known conditions constituting deficiencies.

- 10) All known conditions which may require repair or replacement within the next succeeding five-year period.

The above report may be referred back to the applicant by the City for additional detail as is necessary to adequately evaluate the physical conditions of the building, equipment and premises.

**22-3-20 REPORT OF BUILDING OFFICIAL:**

- 1) At the time of submission of an application for a condominium which involves the conversion of any existing buildings, the applicant shall secure an inspection from the Building Inspector for the proposed condominium project to determine compliance with the life-safety provisions of the International Building Code as adopted by the City.
- 2) Prior to Planning Commission consideration of a condominium project involving conversion of existing buildings, the applicant shall submit the Building Inspector's report specifying any deficiencies of life-safety standards of the International Building Code which are found to exist in the project. This report shall be submitted to the Administrator as an element of the "Report of Property Condition".

**22-1-30 TENANT NOTICE OF CONVERSION:** As part of the application for approval of a condominium project, when said project involves the conversion of an existing structure where the structure has been occupied by tenants prior to application for conversion, the owner / developer shall provide notice of intended conversion to said tenants by certified mail. This notice requirement shall not apply to structures that were vacant upon acquisition and remained so during the year prior to filing of the developer's application for conversion, nor shall it preclude the approval of a project prior to the expiration date where every tenant has executed a waiver relinquishing his or her right of notice under this provision. The Notice of Conversion shall include the following:

- 1) The intention and plans for conversion of the building to a condominium project;
- 2) The estimated dates of termination of occupancy by tenants, which shall not be less than 90 days from the date of notice, and an indication of the approximate dates of construction which shall not be less than 120 days from the date of notice.
- 3) Relocation information for the tenants specifying available alternative housing relocation resource agencies and organizations and a plan of any services to be voluntarily provided by the owner / developer.

**22-3-40 SUBMISSION OF NOTICE VERIFICATION:** Prior to or in conjunction with submission of documentation for certification and recording, the owner or developer shall submit to the Administrator a copy of said notice together with a list identifying names and apartments or unit numbers for all



tenants within the condominium conversion project. The notice, copy and list shall also be accompanied by an affidavit certifying that all tenants within the condominium project have been personally delivered a copy of the notice or mailed said notices by registered, certified mail, and that the same were in fact delivered. The plat map shall not be recorded until said copy of the notice, list and affidavit have been received by the Administrator and filed with the City Clerk.

**22-3-50 PROTEST REVIEW PROCEDURE:** When a tenant of a residential dwelling has received written formal notice of eviction without cause and without at least 90 days notice of conversion required above and has reason to believe that notice was issued because of a proposed condominium project, he may, within 30 days of the date of the notice of eviction, initiate an appeal regarding the issue of proper notice to the City Council on a form provided by the City Clerk. The filing of such a protest shall stay the issuance of any approval or issuance of any permits for the structure in question for a period not to exceed 30 days and the matter shall be set for hearing before the City Council.

Upon filing, a copy of the appeal form shall be forwarded to the Valley Adams Regional Housing Authority for relocation advice and assistance. Said agency may, within 10 days, forward to the City Council a statement of its report and recommendation.

Upon filing of an appeal, the City Clerk shall institute an investigation to determine if the notice requirements set forth above were satisfied. He shall then report his findings to the City Council.

The City Council shall fix a reasonable time for the hearing of the appeal, give due notice to the appellant and to the owner / developer of the condominium project and shall, at said hearing, review said appeal together with agency and department reports, recommendations and related permit or subdivision applications. The City Council shall decide the same within 30 days from the date of filing of the appeal.

The City Council may impose conditions relating to the terms and conditions upon which the project will be approved which may include suspension of approval pending preparation and implementation of a reasonable relocation plan or services for tenants who have not been given proper notice or denial of the application in which event the owner / developer may not reapply for 12 months from the date of denial.

## **22-4 DESIGN STANDARDS**

**22-4-10 MINIMUM STANDARDS REQUIRED:** To achieve the purposes and objectives of this Section, all proposals for a new condominium development shall be made pursuant to the provisions of this Section. Where the provisions of this Section cannot reasonably be complied with in the case of condominium conversions due to the design and location of existing structures and / or roads, the Planning Commission may waive some or all of these provisions. The standards and criteria contained herein are intended to provide

assurances that the geographical layout of the project is accomplished in a manner which is attractive and is not detrimental to the functioning of the project or surrounding areas and that the contents of the declaration assure proper operation, construction, maintenance and upkeep of all utilities, facilities, recreation areas, roads and parking areas within the development. In addition to the requirements specified in this Section, condominiums shall comply with all applicable requirements of the Zoning and Subdivision Ordinances.

**22-4-20 PARKING REQUIREMENTS:** Each unit in a condominium development shall conform to the parking provisions in the New Meadows Zoning Ordinance.

In addition to any other parking requirements, at least one space per four dwelling units for recreational vehicles, trailers and boat storage shall be provided. These spaces may be owned in common or by the Homeowners Association. If conditions within a condominium conversion preclude compliance with this requirement, a provision shall be placed in the bylaws or declaration precluding the parking of recreational vehicles, trailers and boats within the condominium development and such preclusion shall be strictly enforced by management.

The required front and side yards which face upon a public street shall not be used for vehicular parking, but shall be landscaped with lawn and appropriate plants and shrubs as indicated on the approved final development plans.

**22-4-30 UTILITY REQUIREMENTS:** Each condominium unit within a development shall be separately metered for electricity and water unless the declarations provide for the Homeowners Association to pay the cost of services and prorate those costs to the unit owners on an equitable basis. Such declaration must disclose to the unit owners that non-payment of utility bills by the Association may result in the loss of utility service.

Each unit shall be provided with readily accessible individual shutoff valves, safety devices or switches for water and electrical services.

**22-4-40 MECHANICAL AND HEATING REQUIREMENTS:**

Each condominium unit shall be equipped with its own heating system except where a central water or steam system is present.

Each condominium unit shall be provided with its own means of controlling temperature in that unit when the building utilizes a central heating plant. All mechanical work and repairs shall be completed under a permit and shall comply with all applicable building, health and fire codes.

**22-3-50 GEOGRAPHICAL LAYOUT REQUIREMENTS:** The area proposed for a condominium development shall be in one ownership during development to provide for full supervision and control of said development and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.

Condominium development shall have an area greater than five acres. However, the Planning Commission may consider developments less than five acres if the development is guided by a total design plan in which three or more of the following development standards are applied or varied to allow flexibility and creativity in site design, building design and location.

- 1) Development: The Planning Commission may require arrangements of structures, open spaces, landscaping, buffering and access within the development as necessary. The Commission may require specific setbacks, a lower residential density, a height limitation and / or a similar type of land use as adjoining land. These criteria shall be used by the Commission to assure that adjacent properties will not be adversely affected by the development and that the development will be compatible with the land used in the surrounding area.
- 2) Construction Materials: Quality exterior materials including brick, stone, stucco or other materials of high quality, durability and low maintenance may be provided, as accepted by the Planning Commission.
- 3) Interior Amenities: Quality interior provisions, including amenities such as fireplaces, vaulted ceilings and in-unit washer / dryer hookups.
- 4) Fencing: Exterior fencing shall include architecturally designed brick or block fences, wrought iron fences, structural wood fences, vinyl fences or a combination of these materials.
- 5) Parking: Covered parking and / or garages may be required for all units.
- 6) Pedestrian and Bicycle Paths: Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential and recreational facilities in or adjacent to the development.
- 7) Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping and sound reducing construction techniques shall be used for the enhancement of property and the privacy of its occupants.
- 8) Landscaping and Lighting: The development site may be landscaped and should be composed of natural landscaping elements, including lawn, shrubs, ground covers and a combination of evergreen and deciduous trees. Exterior lighting shall be "shaded" to keep light on-site and be adequate to allow residents to move about the common areas safely.
- 9) Home Owner's Association: The development may be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect and the

Planning Commission as to suitability for the proposed use of the common open space and subject facilities.

- 10) Recreational Amenities: Each development may provide recreation or site amenities, including but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields and nature areas.
- 11) Storage Space: Enclosed, secure storage space for the storage of bulky goods shall be provided for each unit within the project in an amount equal to one cubic foot of storage for each four feet of gross floor space area of the unit. The minimum clear dimensions of any such space shall not be less than six feet by six feet by eight feet. The space provided is in addition to the bathroom, bedroom, linen or kitchen cupboards and closet space normally expected within each unit.
- 12) Laundry Facilities: Either laundry facilities shall be provided within the individual units or an adequate number of washers and dryers to meet the needs of future tenants shall be provided within the common areas of the project.

The final development plans shall be prepared by a design team composed of an architect, a landscape architect and an engineer, all licensed in the State of Idaho.

Dedication and improvement of streets shall be made in accordance with the Transportation Plan of the City, the Planning Commission and the City Council to serve the vehicular and pedestrian needs of the proposed development and the City. Said streets shall be constructed to standards set forth by the City for various classes of streets and shall be dedicated to the City as public streets.

Dwellings and permitted structures shall be located as approved in the final development plans. Locations and arrangements of buildings on the lot should be accomplished in a manner that will best utilize the lot area and create an attractive living environment. The following shall be considered as minimum requirements as they apply:

- 1) Garages with entrances facing directly on public streets, whether in a front or side yard, shall be setback at least 20 feet from such streets.
- 2) Residential setbacks shall be maintained along the peripheral property lines of the planned development.
- 3) In those instances where a proposed condominium development will front upon one or more existing streets, the setback from the street shall be equal to that required by the most restrictive zoning on property immediately adjacent along the same street frontage.

Open space and recreation requirements. Each project shall meet the following standards for open space and recreational areas:

- 1) Open space shall be provided and shall not be less than 40 percent of the site area in residential condominiums which contain multiple unit structures having three or more units per structure. The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required setbacks. Said

open space shall be devoted to landscaping, preservation of natural features, patios and recreational areas and facilities. Reduction may be made to this percentage of required open space by the Planning Commission upon showing that the open space in the site area will provide additional amenities which will substantially meet the needs of future residents.

- 2) Common open space shall comprise at least 50 percent of the required open space and shall be so designed for uses including, but not limited to, recreational, park or environmental amenities for common enjoyment and use by all residents.
- 3) Open space in commercial and industrial condominiums shall be not less than 15 percent of the total site. Reduction may be made to this percentage of required open space by the Planning Commission if it can be demonstrated that the proposed plan will still achieve the objectives of this section.
- 4) Preservation, maintenance and ownership of required open space within the development shall be accomplished by granting the City a permanent open space easement on or over the said private open space to guarantee that the open space remain perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an Owner's Association established with articles of incorporation and bylaws which are satisfactory to the City.

**22-4-60 CONSTRUCTION LIMITATIONS:** Upon approval of a condominium development, construction shall proceed only in accordance with the plans and specifications with any conditions as approved by the Planning Commission and City Council.

Amendments to approved plans and specifications for a condominium development shall be approved by the Planning Commission and City Council and shown on the approved plans.

The Building Inspector or any other City department shall not issue any permit for any proposed building structure, activity or use within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

## **22-5 ENFORCEMENT**

**22-5-10 ENFORCEMENT:** It is unlawful for any person to sell any unit of any condominium or any other portion thereof until the final plat, in full compliance with the provisions of this Section, have been finally approved by the City Council and duly recorded in the office of the Adams County Clerk.

Any map, permit or license issued or approved in conflict with these provisions of this Section shall be null and void.

Any developer, agent, owner, successor-in-interest of a developer or owner, tenant, purchaser, builder, contractor or other person who violates any of

the provisions of this Section or any conditions imposed pursuant of this Section shall be deemed guilty of a misdemeanor.

The City shall have the authority to enforce this Section against violations thereof by actions including but not limited to the following:

- 1) To serve notice requiring the cessation or correction of any action in violation of this Section upon the developer, agent, owner, successor-in-interest of a developer or owner, tenant, purchaser, builder, contractor or other person who commits or assists in such violation.
- 2) To deny the condominium project application.
- 3) To maintain an action for injunctive relief or restrain, abate or cause the correction of such violation.
- 4) To institute criminal proceedings.

SECTION 23  
DEVELOPMENT AGREEMENTS

**23-1 PURPOSE:** Development agreements are a discretionary tool to be used by the council as a condition of rezoning. Development agreements allow a specific project with a specific use to be developed on property in an area that is not appropriate for all uses allowed or conditional in the requested zone.

**23-2 INITIATION:**

- A. Method of Initiation: A development agreement may be initiated for the rezoning of a particular parcel of land or collection of parcels of land through the following methods:
1. On application by the property owner.
  2. On recommendation of the zoning administrator.
  3. On recommendation of the commission.
  4. Required by the council.
- B. By Commission: In the event of a determination by the commission that a development agreement should be entered into, the commission shall retain jurisdiction of the matter, defer consideration of the rezone requested and set a time limit for submittal of the development agreement. The commission shall then proceed as specified in this section.
- C. By Council: In the event of a determination by the council that a development agreement should be entered into, the council shall remand the matter back to the commission for submittal of the development agreement. The council may direct the commission on remand of the matter to the commission. The commission shall then proceed as specified in this section.
- D. In Either Case: In the event of either of the above, all time limits required by this code may be stayed upon affirmative vote of the commission or council

**23-3 FORM:** A development agreement shall be in the form required by the zoning administrator. No agreement shall be accepted by the zoning administrator which does not include the following:

- A. An affidavit by the owner of the parcel agreeing to submit the parcel to a development agreement.
- B. The specific use or uses of the parcel for which the development agreement is sought.
- C. The allowed or conditional use in the conditional zone for which application has been made.

- D. A concept plan of the project to be developed on the parcel. The concept plan shall include:
  - 1. A description of the density allowed or sought.
  - 2. Maximum height, size, and location of any structures on the property.
- E. The time required to begin the use on the property.
- F. A statement by the owner of the parcel that failure to comply with the commitments in the development agreement shall be deemed consent to rezone the use to the preexisting zone or, in the case of an initial zone at annexation, a zone deemed appropriate by the council.
- G. Any other matter mutually agreeable to the parties.

**23-4 APPROVAL:**

- A. The council may require a development agreement be executed to allow a rezone if, in the opinion of the council, approval of the requested rezone does not satisfy the requirements set forth in the zoning ordinance for rezone approval, but the particular project or use contemplated has a value to the community that would justify the use of a development agreement. A development agreement may not allow a use on the parcel that is not a permitted or conditional use in the requested zone.
- B. Development agreements may be approved by the council only after a public hearing. The public hearing shall follow the notice and hearing provisions of Idaho Code section 67-6509.
- C. The council may add conditions, terms, duties or obligations to the development agreement.

**23-5 RECORDATION:** Following approval of a development agreement by the city council, the development agreement shall be recorded in the office of the county recorder at the expense of the property owner. The development agreement, and all conditions, terms, duties or obligations included therein, shall run with the land and shall be considered continuing obligations of the owner or subsequent owner and each other person acquiring an interest in the property.

**23-6 DUTY TO COMPLY:** An owner, subsequent owner, and each other person acquiring an interest in property that is restricted by a development agreement adopted pursuant to this chapter, shall comply with the terms, conditions, obligations and duties contained in the development agreement.

**23-7 MODIFICATION:** A development agreement may be modified by the city council only after complying with the notice and public hearing provisions of Idaho Code section 67-6509.



**23-8 TERMINATION:**

- A. Hearing Required: A development agreement may be terminated by the city council for failure to comply with the commitments expressed in the development agreement. Such termination shall take place after a public hearing on the termination at which time testimony shall be taken to establish noncompliance with the conditions, terms, obligations or duties contained within the development agreement. The public hearing shall follow the notice and hearing provisions of Idaho Code section 67-6509.
  
- B. Property Reverts To Previous Zone: Upon termination of the development agreement, the property shall revert to the zone applicable prior to the adoption of the development agreement or application for rezoning designation change. All uses of the property which are not consistent with the subsequently applied zone following termination of the development agreement shall cease. The owner of the parcel may apply for a conditional use of the parcel if such use is a conditional use within the subsequently applied zone.

**23-9 ENFORCEMENT:** Development agreements may be enforced by the city through specific enforcement, injunctive relief, damages or criminal penalty for violation of this chapter. The foregoing enforcement options available to the city shall not be deemed exclusive.